

# THE EXPANSIONIST MOVEMENT IN TEXAS

1836 - 1850

BY

WILLIAM CAMPBELL BINKLEY, Ph.D.

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# THE EXPANSIONIST MOVEMENT IN TEXAS

1836-1850  
WITHDRAWN

BY

WILLIAM CAMPBELL BINKLEY, Ph.D.

Associate Professor of History, Colorado College

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## PREFACE

It is well known that among the provisions included in the famous Compromise of 1850 one was for the adjustment of the western boundary of the state of Texas, yet a search through the general histories of the United States fails to reveal any very definite information as to the developments which had brought the question forward at this time. The difficulty began in 1836, when the conflict between Spanish-American and Anglo-American pioneers on Mexican soil ended in the Texan declaration of independence from Mexican rule. One of the first problems of the new republic was that of establishing a boundary between itself and the adjoining Mexican states, and in the efforts to meet this situation the expansionist movement in Texas found its origin. The problem continued until 1850, when the United States Congress submitted to the Texans a satisfactory proposal for the adjustment of their territorial limits.

Portions of the subject have been covered incidentally by historians as minor factors in other developments in which they were interested; but few of these have been adequate. It is the purpose of this study, therefore, to give for the first time, and in some portions from a new point of view, a consecutive narrative of the efforts of Texas, both as an independent republic and as a state, to extend its territorial jurisdiction; to show what factors exerted an influence in guiding the Texan desire for expansion; and to fit the movement into the larger field of the westward extension of the United States.

The fact that this story is here put together for the first time makes it possible to draw certain definite conclusions, not only concerning the activities of the Texans themselves, but also concerning some of the factors which were behind these activities. In this connection, it seems evident that the expansionist



desires of the United States had a direct influence upon the territorial ambitions of the Texans during their existence as an independent republic—the Texans working at times to accommodate, at other times to thwart, those desires. For the period of the Mexican War, the Texan boundary claims were important, not because they were used by Polk as a pretext for starting a war in order to get California, but because they furnished an incentive for Mexico to begin the struggle in opposition to the annexation of Texas by the United States.

Among the minor points upon which new light is thrown, the activities of Warfield and Snively stand out prominently. Hitherto, Warfield has been considered as a private raider, while Snively has fared but little better. The evidence indicates, however, that the work of both of these men, no matter how detached it may seem, was a part of the general program of Texas to bring New Mexico under the jurisdiction of its government. In the same way, the commercial interests of Texas, as a background for the Santa Fé expedition, have been more definitely fitted into the larger question of Texan expansion.

The principal source materials which have been used are of three general types: manuscript records in the archives of Texas for the local phase of the study; Garrison's carefully edited *Diplomatic Correspondence of the Republic of Texas* for the relations with other governments; and the public documents of both Texas and the United States. These have been supplemented by a careful study of all materials immediately available, either at the University of California or in the State Library of Texas, which might yield any light upon the subject; and much has been found, ranging all the way from peace society tracts upon the justice of foreign wars to transcripts of confiscated papers in the archives of Mexico. Information contained in these source materials also furnished the data from which



the author compiled and drew the eight maps appearing in this volume. Obviously their purpose is to illustrate the evolution of the problems connected with the establishment of the boundaries of Texas.

Although this study was completed in the fall of 1920, its publication has been delayed by various unavoidable causes. Because of this fact it should be pointed out that since that time some of the documents which are here cited in manuscript form have been edited and published. The most important of these are the papers of Mirabeau B. Lamar, two volumes of which have been published by the State of Texas under the editorship of Charles A. Gulick. Since that work is still incomplete—the published documents covering only the period to 1839—it has been deemed best to retain the citations to the original manuscripts. Two important secondary works dealing with certain aspects of the expansionist movement which have appeared since this study was completed should also be mentioned here. They are: A. K. Christian, *Mirabeau Buonaparte Lamar* (Austin, 1922), and E. I. McCormac, *James K. Polk, A Political Biography* (Berkeley, 1922). It is gratifying to note that the conclusions reached by these two authors do not conflict with my own.

And now there remains the pleasant privilege of acknowledging my indebtedness to those who have made possible the completion of this study. Above all others stands Professor Herbert E. Bolton, in whose seminar the work was begun. The subject was undertaken at his suggestion, and his interest, encouragement, and guidance have had an influence too great to reduce to an adequate expression. To Miss Elizabeth Howard West, State Librarian of Texas, for her interest, and for her spirit of coöperation in permitting an unrestricted access to the valuable materials under her care, I am especially grateful. Among those who have given valuable suggestions upon various



phases of the work are: Professor Eugene I. McCormac, who has allowed me to use copies of some of the Polk Papers in his possession; Professor Eugene C. Barker and Mr. E. W. Winkler, of the University of Texas; and Professor Thomas M. Marshall, of Washington University, St. Louis. To the members of Professor Bolton's seminar from 1918 to 1920, for their constructive criticism of various phases of the work I owe much; and to my wife for her coöperation and encouragement, as well as for technical assistance, more credit is due than even she realizes.

WILLIAM CAMPBELL BINKLEY.



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## CHAPTER I

### BOUNDARIES OF TEXAS UNDER SPANISH AND MEXICAN RULE

Throughout the greater part of the period of Spain's occupation in America there is found to have been, with a few notable exceptions, a singular paucity of definite specifications as to boundary lines for the various political subdivisions of her territory. This is especially true of the frontier establishments. The negligence probably occurred in part because the lack of knowledge concerning the regions which were being occupied made it necessary that the outposts serve as bases for exploration of the surrounding country, but principally because the remoteness of the settlements usually made exact delimitations unnecessary, and so they were left to develop according to requirements. The inevitable result was that, as the territory filled with settlers, controversies over jurisdiction developed; and almost every Spanish-American province, at some time in its history, has been involved in a more or less vital boundary dispute.

*Early conceptions of Texan jurisdiction.*—As a result of the Spanish conquest northward from the city of Mexico, the closing years of the seventeenth century found New Mexico, Nueva Vizcaya, Coahuila, and Nuevo León established as the northeastern fringe of occupied territory. None of these provinces had specific boundaries, because in no case were the settlements near enough together to cause crowding; and the principal advantage of any in the group was its service as a frontier buffer province opposing the Indians who were then wandering over the territory to the north and east.<sup>1</sup> For this reason especially, the northern boundaries were understood to be the

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<sup>1</sup> Cox, "The Southwest Boundary of Texas," Texas State Historical Association, *Quarterly*, VI (1902), 82.

ones which these Indians forced the settlers to adopt. This was the situation on the northeastern frontier of New Spain when the La Salle expedition of 1685 spurred the Spaniards to active measures for the occupation of the Indian country in order to counteract the French menace. The result of these activities was the establishment, in 1690, of the Mission San Francisco de los Tejas, on the Neches River,<sup>2</sup> and the original Texas was considered as the territory around this mission, with the Trinity River as the western limit.<sup>3</sup> This of course left a wide expanse of territory between Texas and its nearest neighbors. But the mission was abandoned before the end of the century, and the founding of San Antonio, in 1718, caused the boundary to be moved westward; and following the Spanish method of beginning a new province at the nearest natural boundary to the south of the settlement, the Medina and San Antonio rivers became the new limits.

By this time other settlements were approaching sufficiently near on the southwest to require definite boundary specifications, and since the northern limits of the earlier provinces of Coahuila and Nuevo León were previously undefined, the establishment of this new province with a relatively definite southwestern boundary naturally placed a limitation upon their former freedom of extension northward. Their northern limits, therefore, may be construed as the Medina-San Antonio river system. As a matter of fact, the documentary evidence of the next quarter of a century indicates that this stream was considered as the line of division between Texas and Coahuila.<sup>4</sup> In the case of Nuevo León, unconquered Indians occupied the territory between the northern settlements and the southern boundary of

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<sup>2</sup> Bolton, "The Spanish Occupation of Texas," *Southwestern Historical Quarterly*, XVI (1912), 25.

<sup>3</sup> Bolton, *Texas in the Middle Eighteenth Century*, 1.

<sup>4</sup> Cox, "The Southwest Boundary of Texas," *Texas State Historical Association, Quarterly*, VI (1902), 85-94.



Texas, and for this reason there was no boundary question in that section. In 1746, however, José de Escandón was commissioned to subdue these hostile tribes,<sup>5</sup> and, in the same year, the province of Nuevo Santander was established with the lower Medina, or San Antonio River specified as its northern boundary.<sup>6</sup> By the middle of the eighteenth century, therefore, the Texas boundaries had been rather definitely established on the south, but they were by no means settled. The Lafora map, which was made during the inspection of the northern frontier of New Spain by the Marqués de Rubí, 1767-1770, shows the southwestern boundary somewhat west of the Medina, and the Nueces as the boundary between Texas and Nuevo Santander on the south.<sup>7</sup> A contemporary historian also gives the Nueces as the southern boundary of Texas,<sup>8</sup> but just when and why this change was made is not clear. This southwestern and southern boundary was apparently accepted during the later years of the eighteenth century.

To the west, however, were Nueva Vizcaya and New Mexico, presenting a situation even less definite than that on the south. The establishment of New Mexico, cutting off the indefinite northern jurisdiction of Nueva Vizcaya, had antedated the colonization of Texas by almost a century, and here is found perhaps the most striking example of the Spanish indifference to definite delimitations. At the time of its settlement, the general conceptions of the province were that it reached the Pacific Ocean on the west, and had no limits to extension north-

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<sup>5</sup> Marshall, "The Southwestern Boundary of Texas," *ibid.*, XIV (1911), 278.

<sup>6</sup> Bolton, *Texas in the Middle Eighteenth Century*, 1.

<sup>7</sup> Garrison, *Westward Extension*, 101. See copy of the map in Bolton, *Texas in the Middle Eighteenth Century*. For an explanation of the difference between this map and Garrison's description see Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 365.

<sup>8</sup> Morfi, *Viaje de Indios y Diario del Nuevo Mexico*, 452, cited by Cox, "The Southwest Boundary of Texas," Texas State Historical Association, *Quarterly*, VI (1902), 93.

ward, except perhaps the elusive Strait of Anian, while on the east, one petitioner planned for the establishment of a port on the Atlantic.<sup>9</sup> The southern border was considered as beginning where Nueva Vizcaya ended; but even here there was no specific line of demarcation, although El Paso was later established as the southernmost garrison of New Mexico,<sup>10</sup> and was for a time the capital of the province.<sup>11</sup>

Although exploration of the country to the eastward was begun almost immediately after the establishment of the colony,<sup>12</sup> and at least one suggestion was made to establish a base of supplies on the coast of what is now Texas,<sup>13</sup> no permanent occupation of this region was made, and the actual settlements of the province were restricted to the narrow valley of the upper Rio Grande. As late as the middle of the eighteenth century, New Mexico, Texas, and Coahuila were arguing over the control of the San Sabá region, until in 1765 the question was decided in favor of Texas.<sup>14</sup> Both New Mexico and Nueva Vizcaya, however, claimed territory extending far east of the Rio Grande. Even into the nineteenth century these claims were recognized by the Spanish authorities of Texas, as well as those of the other immediate provinces and of the general government.<sup>15</sup> Furthermore, a succession of maps of North America from the middle of the seventeenth to the latter part of the eighteenth century shows New Mexico extending over the

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<sup>9</sup> Bolton, *Spanish Exploration in the Southwest*, 199; Bancroft, *History of Arizona and New Mexico*, 94-95.

<sup>10</sup> Cox, "The Southwest Boundary of Texas," *Texas State Historical Association, Quarterly*, VI (1902), 84.

<sup>11</sup> Hughes, *The Beginnings of Spanish Settlement in the El Paso District* (Univ. Calif. Publ. Hist., I, no. 3), 387, 391.

<sup>12</sup> Bolton, "The Spanish Occupation of Texas," *Southwestern Historical Quarterly*, XVI (1912), 5-11.

<sup>13</sup> Benavides, *Memorial of 1630* (Ayer translation), 64-65.

<sup>14</sup> Dunn, "The Apache Mission on the San Sabá River," *The Southwestern Historical Quarterly*, XVII (1914), 389.

<sup>15</sup> Cox, "The Southwest Boundary of Texas," *Texas State Historical Association, Quarterly*, VI (1902), 85.



entire southwestern part of the present United States, with its eastern limits varying from the Mississippi to the Pecos, according to the extent given to Florida, or, if a French map, to Louisiana.<sup>16</sup>

A description of the course of the Rio Grande, written in 1744, states that this river flows through the province of New Mexico, cuts off a portion of Nueva Vizcaya, traverses the middle portion of Coahuila, and continuing to the east, passes twenty leagues north of Nuevo León and discharges its waters through the lands of gentile Indians unknown to the Spanish.<sup>17</sup> This last region two years later became the province of Nuevo Santander. The significant fact here is that nowhere is Texas mentioned in connection with the course of the stream which later became so important in questions of her territorial jurisdiction, while, on the other hand, the jurisdiction of each of the other provinces concerned expressly extended east and north of the river. Thus, generally speaking, the Texas of the later eighteenth century was the territory which now constitutes the eastern half of the state.<sup>18</sup>

*The Louisiana Purchase and the boundary question.*—Early in the nineteenth century, however, two factors brought about the necessity of establishing an accurate delimitation of Texas. The spread of settlement had made it essential that a definite boundary be named between Texas and the two adjoining provinces of Coahuila and Nuevo Santander. In addition, an international question of importance had also arisen. During the period when Spain had held that portion of Louisiana west of the Mississippi River, there was of course no boundary problem on that side. But when Louisiana passed in rapid

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<sup>16</sup> Prince, *Concise History of New Mexico*, 14–15.

<sup>17</sup> Altamira, *Testimonio de un Parecer*, in Yoakum, *History of Texas*, I, 385; cited in Cox, "The Southwest Boundary of Texas," *Texas State Historical Association, Quarterly*, VI (1902), 86–87.

<sup>18</sup> Bolton, *Texas in the Middle Eighteenth Century*, 2.

succession from Spain to France, and from France to the United States, with the characteristic lack of definite boundary specifications, the natural outcome was a dispute over the extent of the respective jurisdictions. This new acquisition by the United States increased the fears which Spaniards already felt concerning the advance of the Americans, and their first thought was to prevent the occupation of Louisiana by the new owners. When the futility of this idea was realized, the next plan was to restrict Louisiana to as narrow limits as possible.<sup>19</sup>

President Jefferson, on the other hand, was determined to make the most of his bargain, and, after investigations, he decided that the Rio Grande should be claimed as the western limit of his acquisition. Spain naturally objected, since her title to Texas was based on actual possession and settlement, while Jefferson founded his claims on the doubtful rights of France by virtue of the La Salle attempt of 1685 and the Crozat Grant of 1712.<sup>20</sup> When the transfer from Spain to France was made in 1800, Manuel de Salcedo was named as the Spanish commissioner to adjust the boundaries. He submitted an undated report which states that Nacogdoches, in eastern Texas, was at one time officially "a division of the province of New Mexico, dependent on the governor-general of the kingdom."<sup>21</sup> Inasmuch as the Crozat Grant designated Louisiana as including all the lands in North America possessed by France and bounded by New Mexico, it is highly probable that this document was merely an effort to minimize the extent of that grant in case its terms should be accepted in settling the boundary. Its reliability is questionable, therefore, because of its controversial character.

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<sup>19</sup> Marshall, *History of the Western Boundary of the Louisiana Purchase*, 18.

<sup>20</sup> Madison to Livingston, January 31, 1804, in *American State Papers, Foreign Relations*, II, 574-575.

<sup>21</sup> Robertson (ed.), *Louisiana under the Rule of Spain, France, and the United States*, II, 150-156.



Realizing the uncertain nature of the boundaries in this region, the king of Spain, in May, 1805, requested of the viceroy of New Spain documents relative to the province of Texas, for the purpose of determining, through history, the true western boundary of Louisiana.<sup>22</sup> About this same time there seems to have been a plan on the part of the government to make the Rio Grande the Texan boundary, and establish there military colonies, but no results came from this movement.<sup>23</sup> In 1805, however, a royal map was filed which shows the boundaries as follows:

Beginning at the mouth of the Rio Nueces; thence up that river to its junction with Moros Creek, thence in a northeasterly direction to near the Garza crossing of the Medina River, thence up that river to its source, thence in a direct line to the source of the San Sabá River, thence northwesterly to the intersection of the 103rd meridian west longitude and the 32d parallel of north latitude, thence northeasterly to the intersection of the Red River by the 100th meridian, thence down said river.<sup>24</sup>

An order of May 1, 1811, gives practically the same lines. This actually amounted to little more than the giving of official approval to the general limits which had been recognized locally for about half a century. The boundaries thus specified would form a zigzag line, alternating northwest and northeast, with its western extremity touching exactly the point now forming the southeastern corner of New Mexico, and from there running directly northeast to the Red River at the southwest corner of Oklahoma. The knowledge of the region to the west was not accurate, however, and the official map of Texas, drawn in connection with this order, in 1816, seems to have been made from estimated distances and conjectural meridians and

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<sup>22</sup> Bolton, "Some Materials for Southwestern History in the Archivo General de Mexico," Texas State Historical Association, *Quarterly*, VII (1904), 202.

<sup>23</sup> Garrison, *Westward Extension*, 103-104.

<sup>24</sup> Fulmore, "History of Texas Geography," Texas State Historical Association, *Quarterly*, I (1897), 14, quoted in Cox, "The Southwest Boundary of Texas," *ibid.*, VI (1902), 95.

parallels, rather than from actual observations. The result is that the meridians are two degrees too far east, and when the boundary is traced according to the specification of the natural objects which appear along the line, the western point appears at about 101 degrees, and the Red River is touched between 99 and 100 degrees.<sup>25</sup>

Texas at last had official boundaries to the south and west. Meanwhile a struggle over the control of the province was in progress. In 1804, commissioners from the United States had gone to Madrid with instructions to secure the settlement of the boundary of the Louisiana Purchase at the Rio Grande, if possible; but they were also armed with alternative proposals for boundaries farther east. The attempts at adjustment extended over the entire period to 1819, and included a series of propositions for boundaries varying all the way from the Sabine to the Rio Grande.<sup>26</sup> Finally the adjustment was accomplished in the treaty of February 22, 1819, by which the United States agreed to give up her claims on Texas in return for the relinquishment by Spain of her equally slender claims on the Oregon region.<sup>27</sup> The boundary, as established, began at the mouth of the Sabine River, and followed that stream to thirty-two degrees north latitude, thence due north to the Red River, thence up the south bank of the Red River to the one hundredth meridian, and from there due north to the Arkansas River, and along that stream to its source. At the time it was thought that the line reached to forty-two degrees north latitude, along which it was to run to the Pacific. But provision was made that, if

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<sup>25</sup> Garrison, *Westward Extension*, 104-105, with the map facing 104. The insert shows the lines of the original map, while the boundary for Spanish Texas in the general map shows the line as it should have appeared by following natural objects. See also a copy of the original map in Garrison, *Texas*, facing 94.

<sup>26</sup> Marshall, *History of the Western Boundary of the Louisiana Purchase*, 46-63.

<sup>27</sup> *Ibid.*, 59.







the source of the Arkansas was either north or south of forty-two degrees, a line should be run from the said source due north or south, as the case might be, till it met that parallel.<sup>28</sup> The survey showed it to be some distance south of forty-two degrees, and the line was run accordingly.

*The boundary situation under Mexican control.*—This treaty with Spain was proclaimed February 22, 1821. But in the meantime the revolutionary spirit in Spanish America had been gradually undermining Spanish control on this continent, and within forty-eight hours after the proclamation of the treaty her authority over this region nominally came to an end through the issuance of the Plan of Iguala, proclaiming the independence of Mexico. In the reorganization of the Mexican government under the Constitution of 1824, Texas was designated as the Department of Texas, and was united with Coahuila as a single state. Nothing was said concerning boundaries, the limits named in the decree of 1811 apparently being accepted. In the same manner, the boundaries of Nuevo Santander, which now became Tamaulipas, and of Coahuila were not interfered with, and during the early years of Mexican rule the authorities of the joint state of Coahuila and Texas apparently recognized the claims of Tamaulipas to the territory between the lower Rio Grande and the Nueces, for the inhabitants in that region paid duties on goods sent by them into San Antonio, in Texas.<sup>29</sup>

The Constitution of 1824 did not refrain entirely from taking action in boundary matters, however, for in the case of Chihuahua, the former Nueva Vizcaya, and of New Mexico, their common boundary was designated as a line running directly east and west from El Paso, and that place, with the region over

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<sup>28</sup> Malloy (ed.), *Treaties, Conventions, International Acts, Protocols, and Agreements between the United States and other Powers*, II, 1652.

<sup>29</sup> Cox, "The Southwest Boundary of Texas," *Texas State Historical Association, Quarterly*, VI (1902), 98. For the jurisdiction of Tamaulipas, see also Pierce, *Brief History of the Lower Rio Grande Valley*, 20-21.



which it had always had jurisdiction, was given to Chihuahua.<sup>30</sup> Upon this basis, Chihuahua, on May 26, 1825, laid claim to the country as far north as the Sacramento Mountains,<sup>31</sup> and an indefinite line, running from the Pecos to the headwaters of the Gila, along the southern extremity of these mountains, was considered as the boundary.<sup>32</sup> This of course left the region east of the Pecos indefinite, but the lack of knowledge of the barren country between that stream and the official western limits of Texas had precluded settlement, and it was therefore felt that definite boundary specifications were unnecessary. The significant fact, however, is that the line between the two provinces extended to the Pecos, which means that they officially held jurisdiction over territory north and east of the Rio Grande. Chihuahua, moreover, definitely exercised jurisdiction over the territory across the river from El Paso until its title was extinguished by the Treaty of Guadalupe Hidalgo in 1848.<sup>33</sup> This fact was recognized in 1858 by the legislature of Texas when it passed an act providing for the relinquishment, by the state, of portions of this land to the original grantees or to their heirs.<sup>34</sup>

Throughout the period when this northern territory was controlled by Mexico, that government did not again bring up the question of boundaries in connection with any of the provinces, and only once does the Texan boundary seem to have

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<sup>30</sup> Bloom, "New Mexico under Mexican Administration," in *Old Santa Fé*, I (1913), 169. See also Bancroft, *History of Arizona and New Mexico*, 311.

<sup>31</sup> Reynolds, *Spanish and Mexican Land Laws*, 132.

<sup>32</sup> Ladd, *The Story of New Mexico*, 255, states that this line was along the parallel of 32 degrees, 30 seconds, but he gives no authority, and there is no evidence which would indicate that a definite line was ever established, unless we can accept several maps made during the next two decades, all showing the boundary extending along the parallel of 32 degrees, 15 minutes.

<sup>33</sup> Sayles, *Early Laws of Texas*, I, 131. El Paso, now Juarez, was south of the Rio Grande. So also originally was Isleta, but a change in the course of the Rio Grande left it on the north side.

<sup>34</sup> Gammel, *The Laws of Texas*, IV, 1027.

been questioned from a Mexican source. In 1834, Juan N. Almonte was sent to Texas as a commissioner for the purpose of ascertaining whether that province was ready for separate statehood. He stated in his report that after consulting the officials of the joint state of Coahuila and Texas, he was convinced that an error had been made in the official maps, and that the true boundary should commence at the mouth of the Aransas, a small stream just north of the Nueces, and follow that stream to its source, and from there to the junction of the Medina and San Antonio rivers, and then "following by the eastern margin of the Medina as far as its source, it ought to terminate in the boundaries of Chihuahua."<sup>35</sup> The Nueces, however, had become the accepted boundary, and this is practically the last mention of the Medina as the western limit.

*Interest of the United States in Texas.*—But during this period another factor was making itself felt. Settlers from the United States were rapidly pouring into this new region which had been opened to them through the work of the Austins. This element, bringing with it the American ideas of democratic government and the individualism of the pioneer, was soon predominant in Texas. Trouble with the Mexican authorities was inevitable, and the Fredonian War was the first revolt.<sup>36</sup> Here the expansionist propensity of the Americans of the time was shown; for the revolutionists made a treaty with the Indians, by which the latter were to have the land north of a line drawn from near Nacogdoches westward to the Rio Grande, and all the territory south of the line was to go to the former.<sup>37</sup> This was

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<sup>35</sup> Cox, "The Southwest Boundary of Texas," Texas State Historical Association, *Quarterly*, VI (1902), 98-99, and Marshall, "The Southwestern Boundary of Texas," *ibid.*, XIV (1911), 280-281. Also Kennedy, *Texas*, I, 8.

<sup>36</sup> For the conditions which led to this revolt, see Bugbee, "The Texas Frontier," Southern History Association, *Publications*, IV (1900), 102-121.

<sup>37</sup> Foote, *Texas and the Texans*, I, 254; Yoakum, *History of Texas*, I, 248; Garrison, *Texas*, 166.

the first claim of Texans to the Rio Grande as a boundary, but the uprising was shortly suppressed, and the expansionist idea was to remain dormant for another decade. Two years later, however, the government of the joint state of Coahuila and Texas granted to two American petitioners a monopoly of the navigation of the Rio Grande,<sup>38</sup> and in 1833 two English promoters received from the same source a concession to establish colonists between the Nueces and the Rio Grande.<sup>39</sup> An assumption of jurisdiction by the joint authorities is here implied, and although a settlement was made within the territory of Tamaulipas, no protest seems to have been made by that state.<sup>40</sup>

Likewise, none of the authorities appears to have questioned the authenticity of a series of maps of the land grants in Texas, which show some expansion westward from the lines of the official map of 1816. These maps, drawn by Stephen F. Austin, one in 1829, another in 1833, and the last early in 1836, show the Nueces River as the southwestern boundary, and from its source the line runs along the watershed between the Pecos and the Colorado rivers to the thirty-second parallel. From there it is shown to extend first north-northwest, and then curving around to north-northeast, until it strikes the Red River at its intersection with the one hundred and second meridian.<sup>41</sup> All three of these maps show the territory north of the Red River and extending eastward to the one hundredth meridian, as well as that west of Texas down to thirty-two degrees, fifteen minutes, to be under the jurisdiction of New Mexico. Another map of this same period shows the political boundaries of Texas as following the Nueces to its source, and from there direct to the

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<sup>38</sup> Yoakum, *History of Texas*, I, 250.

<sup>39</sup> *Ibid.*, I, 317.

<sup>40</sup> Marshall, "The Southwestern Boundary of Texas," Texas State Historical Association, *Quarterly*, XIV (1911), 280.

<sup>41</sup> Copies of Austin's maps are in the Bancroft Library, University of California. For a reproduction of one of them, see McMaster, *History of the People of the United States*, V, 12.



Red River at its intersection with the one hundredth meridian.<sup>42</sup> This was, of course, inaccurate. All these maps are unofficial, but they serve as illustrations of the vagueness of the knowledge of the region to the west.

The interest of the United States in Texas was also being shown through another channel. The arguments which had been put forward by John Quincy Adams during the negotiations with Spain prior to the treaty of 1819 had convinced many Americans that the claim of their government to Texas was well founded,<sup>43</sup> and it was felt in official circles that the change of sovereignty from Spain to Mexico gave an opportunity for the opening of new negotiations in which it might be possible to regain the region which had just been given up.<sup>44</sup> In March, 1825, Joel R. Poinsett was appointed by Adams, now the president, as minister to Mexico. His instructions stated that, although the treaty of 1819 was obligatory upon both the United States and Mexico, he was to sound the authorities upon the possibilities of fixing a new boundary line somewhere between the Sabine and the Rio Grande, or perhaps at the latter stream.<sup>45</sup> Poinsett went to Mexico with a desire to acquire not only the territory as far as the Rio Grande, but also New Mexico and California, as well as part of Lower California, Sonora, Coahuila, and Nuevo León,<sup>46</sup> but, because of a lack of proper diplomatic sense,<sup>47</sup> he aroused the suspicions of the Mexican government and accomplished nothing. Two years later he was given more definite instructions. He was authorized to offer Mexico one

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<sup>42</sup> Maillard, *History of the Republic of Texas*, opposite title page.

<sup>43</sup> Ficklen, "Was Texas Included in the Louisiana Purchase?" *Southern History Association, Publications*, V (1901), 362-363.

<sup>44</sup> Manning, *Early Diplomatic Relations between the United States and Mexico*, 278.

<sup>45</sup> *Ibid.*, 286-287; Rives, *The United States and Mexico*, I, 166.

<sup>46</sup> Manning, *Early Diplomatic Relations between the United States and Mexico*, 289.

<sup>47</sup> For one of the traps into which he was led, see Marshall, *History of the Western Boundary of the Louisiana Purchase*, 77-78.

million dollars for a boundary along the Rio Grande to the mouth of the Pecos, up that stream to its source, and from there due north to the Arkansas, thence to the source of that stream, and from there directly west to the Pacific; or, if this was impossible, half that amount was to be offered for a boundary along the Colorado to its source, thence due north to the Arkansas, with the remainder of the boundary to be the same as in the first suggestion.<sup>48</sup> But on January 12, 1828, a treaty of limits was signed, and nearly three years of negotiations resulted in nothing more than a renewal of the treaty of 1819.<sup>49</sup>

But the boundary question was not settled. Early in his administration President Andrew Jackson, taking advantage of the delay in ratifying the treaty of 1828, renewed the subject; and Poinsett was told that the United States would give a maximum of five million dollars for a boundary which was to begin in the center of the desert west of the Nueces, or proportionate parts of that sum for the establishment of the line at the Lavaca, the Colorado, or the Brazos.<sup>50</sup> The relations between Poinsett and the Mexican government made him an undesirable agent, however, and he was succeeded by Anthony Butler, who proved even worse. Butler suggested that bribery would afford the best method of approach, and promptly received the condemnation of President Jackson.<sup>51</sup>

By this time reports from Texas were indicating that the region might be separated from Mexico in another manner. In

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<sup>48</sup> Barker, "President Jackson and the Texas Revolution," *American Historical Review*, XII (1907), 788-789; Manning, *Early Diplomatic Relations between the United States and Mexico*, 307-309.

<sup>49</sup> Rives, *The United States and Mexico*, I, 170; Manning, *Early Diplomatic Relations between the United States and Mexico*, 316-318.

<sup>50</sup> Barker, "President Jackson and the Texas Revolution," *American Historical Review*, XII (1907), 789; Rives, *The United States and Mexico*, I, 237-238.

<sup>51</sup> Marshall, *History of the Western Boundary of the Louisiana Purchase*, 100-105, and a more concise account in Barker, "President Jackson and the Texas Revolution," *American Historical Review*, XII (1907), 795-796.

February, 1833, Sam Houston, who was a personal friend of President Jackson, wrote that the people of Texas were determined to form a state government separate from Coahuila, and that, unless conditions in Mexico were improved, the state was likely to withdraw from the confederacy. He believed that a convention which was to meet on April 1, 1833 would claim the territory to the Rio Grande and would establish a state constitution.<sup>52</sup> Developments of this sort would of course make further negotiations with Mexico imprudent, but when the convention failed to take the radical steps which Houston had expected, Butler was permitted to continue his efforts. In August, 1835, the demands of commercial interests in the United States for a port on the Pacific led to the forwarding of new instructions that an offer be made to Mexico of an additional half-million dollars if this boundary line could be so varied as to include not only Texas, but also a strip of territory extending to the Pacific just wide enough to include the bay of San Francisco.<sup>53</sup> Butler accomplished nothing, however, and at the request of the Mexican government he was recalled in December, 1835. Thus ended, for the time, all negotiations between the United States and Mexico, upon the question of boundaries. Early in the next year the inhabitants of Texas brought a new question of jurisdiction into the arena by declaring themselves independent of Mexican rule, and setting up a provisional government of their own.

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<sup>52</sup> Houston to Jackson, February 13, 1833, in Crane, *Life and Literary Remains of Sam Houston*, 46-47, quoted in Barker, "President Jackson and the Texas Revolution," *American Historical Review*, XII (1907), 793.

<sup>53</sup> Cleland, "Early Sentiment for the Annexation of California," *Southwestern Historical Quarterly*, XVIII (1914), 12-15; Rives, *The United States and Mexico*, I, 259-260. For a map of these proposals, see Marshall, *History of the Western Boundary of the Louisiana Purchase*, 114-115.



## CHAPTER II

### EARLY EXPANSIONIST PLANS OF THE REPUBLIC OF TEXAS, 1836-1840<sup>1</sup>

The first definite intimations of activity on the part of the Texans had come with the calling of the convention of April 1, 1833. The request made here for separate statehood had been denied,<sup>2</sup> while, at the same time, General Santa Anna was planning a change in the Mexican government by which the Constitution of 1824 was to be abolished in order that he might become dictator. A measure providing for the reduction of the militia and for the disarming of the citizens aroused resentment in Texas, and in October, 1835, actual hostilities were begun between the Texans and a Mexican force. It now became necessary to declare to the world the causes for which Texas had taken up arms. For this purpose a "Consultation of the chosen delegates of all Texas" met at San Felipe de Austin on November 3. The result was a compromise between a declaration of independence and an expression of determination to uphold the Constitution of 1824 against Santa Anna.<sup>3</sup> A provisional state government was formed, Henry Smith became governor, while Sam Houston was chosen as provisional commander-in-chief of the army.<sup>4</sup> This arrangement failed to accomplish results satisfactory to the Texans, and on March 2, 1836, a convention of delegates definitely declared Texas to be independent of Mexican control.

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<sup>1</sup> Parts of this chapter follow rather closely the material cited, as well as the treatment, in Marshall, "The Southwestern Boundary of Texas," Texas State Historical Association, *Quarterly*, XIV (1911), 277-293.

<sup>2</sup> Williams, *Sam Houston and the War of Independence in Texas*, 89.

<sup>3</sup> Barker, "Texan Declaration of Causes for Taking up Arms against Mexico," *Southwestern Historical Quarterly*, XV (1912), 182-183.

<sup>4</sup> Brown, *Life of Henry Smith*, 97-98, 107; Garrison, *Texas*, 198.

A republic was established, David G. Burnet was chosen to serve as president until a permanent government could be organized, and Houston was continued in command of the army.<sup>5</sup>

*The treaty of Velasco.*—Hostilities between Texas and Mexico continued, with Houston retreating and Santa Anna advancing, until on April 21, the Texans turned upon their followers at San Jacinto River and won a victory. Among the prisoners taken was Santa Anna himself. Plans were at once begun by the Texan government to draw up terms of peace, and the Mexican president was ready to make any promise which would gain him liberty. The principal consideration was, of course, a recognition of independence, and accompanying this was, naturally, the question of boundaries. Houston, who was familiar with the expansionist desires of President Jackson,<sup>6</sup> offered the suggestion that the boundaries of Texas "should extend to the Rio Grande, from the mouth, pursuing the stream to its most northwestern source and thence northeast to the line of the United States."<sup>7</sup> But a portion of the cabinet, led by Mirabeau B. Lamar, was opposed to any negotiations with Santa Anna, on the grounds that he was a prisoner, that he was faithless, and that it was

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<sup>5</sup> *The South in the Building of the Nation*, III, 365; Garrison, *Texas*, 213-214.

<sup>6</sup> Among the stories told concerning Houston's motives in going to Texas, is one that he was sent by Jackson to assume the leadership in establishing independence from Mexican control in order that the territory might be secured for the United States. See Sumner, *Andrew Jackson*, 416; Bruce, *Life of General Houston*, 77-83; and Mayo, *Eight Years in Washington*, 190-196; and for the other side, Bassett, *Life of Andrew Jackson*, II, 677-678; and Barker, "President Jackson and the Texas Revolution," *American Historical Review*, XII (1907), 788-809. The latest statement on the question is in Marshall, *History of the Western Boundary of the Louisiana Purchase*, 102-105, where Jackson is held not entirely blameless.

<sup>7</sup> Houston to Rusk, May 3, 1836, in *Lamar Papers*, Texas State Library; an extract is in Yoakum, *History of Texas*, II, 154. Houston later claimed the credit for making the first suggestion in relation to the boundaries of Texas as an independent country. Houston to Van Zandt and Henderson, May 10, 1844, in Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, II, 278. Yoakum, *History of Texas*, II, 156, says that the first suggestion was made by Jesse Grimes in the convention which formulated the Texan declaration of independence.

practically certain that, even if he should desire to fulfill any promises he made, he would be unable to do so.<sup>8</sup> Their protests were disregarded, however, and on May 14, 1836, the treaty of Velasco was signed by Santa Anna and Burnet.

The terms of the treaty were indefinite, as Santa Anna undoubtedly intended that they should be. A public agreement was made in which it was stated that "The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte." A secret agreement was also signed, in which Article 4 said, "A treaty of commerce, amity, and limits, will be established between Mexico and Texas, the territory of the latter not to extend beyond the Rio Bravo del Norte."<sup>9</sup> The treaty was apparently an effort to carry out the suggestion made by Houston, but nothing was settled. During the discussion concerning the terms of the treaty, Santa Anna had met the Texan attempts to obtain a definite delimitation with the suggestion that it would be better to leave the boundary question open for adjustment in the city of Mexico, as the influence of his party, together with his own representations about the Texan force, would enable him to meet the wishes of the

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<sup>8</sup> Lamar to Burnet, May 12, 1836, in Foote, *Texas and the Texans*, II, 321-332. An extract is in *Cong. Globe*, 30 Cong., 1 sess., 173. Among the *Austin Papers*, University of Texas, is a copy of the same letter addressed to the members of the cabinet.

<sup>9</sup> Treaty of Velasco, in Yoakum, *History of Texas*, II, 526-528; also in *Tex. Cong., House Jour.*, 1 Cong., 1 sess., 24-26. In Foote, *Texas and the Texans*, II, 319-320, is a purported version of the treaty, which presents a different stipulation concerning boundaries. According to it the boundary between Texas and Mexico was to commence "at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the same river, to the point where the river assumes the name of the Rio Bravo del Norte, from which point it shall proceed on the said Western bank to the head waters, or source of said river, it being understood that the terms Rio Grande and Rio Bravo del Norte, apply to and designate one and the same stream. From the source of said river, the principal head branch being taken to ascertain that source, a due north line shall be run until it shall intersect the boundary line established and described in the Treaty negotiated between the Government of Spain and the Government of the United States of the North." Despite its lack of historical foundation, this version was often used as authoritative evidence.



Texan government on the subject with more ease and certainty than if the boundaries were abruptly fixed without such previous arrangements.<sup>10</sup> As evidence of his intention to carry out the terms of the treaty, he suggested to the commander of the Mexican troops in Texas that the army be withdrawn across the Rio Grande without committing any act of hostility.<sup>11</sup>

Thus, at best, the agreement merely specified that the Mexican government would make a treaty in which the question of boundaries would be settled; even this could not be considered as final, because the Mexican constitution made the consent of the general Congress necessary to make valid any stipulations made by the president.<sup>12</sup> As soon as it was learned in Mexico City that Santa Anna had been captured, Congress proceeded at once to declare that any promises which he might make while held as a prisoner were to be considered as null and void.<sup>13</sup>

But the plans for hostilities did not cease. By the end of July the Mexican army had been forced to withdraw from Texas, and was stationed at Matamoros, under General José Urrea. Preparations were being made for a new attack upon Texas as soon as this army could be recruited to sufficient strength, while suggestions were being made in Texas that the revolutionary forces should advance across the Rio Grande and meet the enemy at Matamoros.<sup>14</sup> Reports also began to reach Texas that the Mexicans were attempting to incite Indian uprisings in that region,<sup>15</sup> and new suggestions were made for meeting this situation. It was felt that Texas ought to make a friendly

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<sup>10</sup> Morfit to Forsyth, August 27, 1836, in *Sen. Docs.*, 24 Cong., 2 sess. (Ser. 297), no. 20, p. 13.

<sup>11</sup> Santa Anna to Urrea, July 4, 1836, in Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, I, 107-108.

<sup>12</sup> Kennedy, *Texas*, II, 437.

<sup>13</sup> Rives, *The United States and Mexico*, I, 358.

<sup>14</sup> Jack to Collinsworth and Grayson, July 23, 1836, in Garrison (ed.), *Diplomatic Correspondence*, I, 112-113.

<sup>15</sup> Burnet to Collinsworth and Grayson, August 10, 1836, *ibid.*, I, 119-120.

treaty with the Comanche Indians for the purpose of securing their aid in laying waste the country along the Rio Grande in Tamaulipas, Coahuila, and Chihuahua. Texas was to encourage trade with these Indians by buying from them all the horses, mules, sheep, and cattle they could plunder from these adjoining states.<sup>16</sup>

In addition to this, even before he had gained his liberty, Santa Anna himself virtually repudiated any favorable interpretation which the Texans might have placed upon the treaty, by stating that the boundary might be fixed at the Nueces, the Rio Grande, or any other line.<sup>17</sup> Yet in spite of the failure of the treaty to establish a boundary, its terms were pointed to as the basis of the Texan claims until Lamar became president of the republic in 1839.

*Unofficial indication of the boundary plans.*—The question of the extent of territory which was to be included in the newly established republic continued to demand attention in Texas, but it was essential that questions of a different nature should be settled first. Most important of these was the establishment of relations with other countries. Among the first diplomatic questions which arose was that of securing recognition, while somewhat in the background was the hope of annexation to the United States. After signing the declaration of independence, one of the first acts of the Texan convention was the appointment of George C. Childress and Robert Hamilton as special agents to the United States, where they were to coöperate with Stephen F. Austin, Branch T. Archer, and William H. Wharton, three commissioners who were already in Washington as representatives of the provisional state government, in advancing the

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<sup>16</sup> *Telegraph and Texas Register*, August 30, 1836.

<sup>17</sup> Santa Anna to Houston, November 5, 1836, in Yoakum, *History of Texas*, II, 530. For a point of view favorable to Texas, see Garrison, *Westward Extension*, 106.

interests of Texas.<sup>18</sup> Before they arrived, however, Samuel P. Carson had been appointed to join them and take charge of the work.<sup>19</sup> Changes in the affairs of Texas during the next two months made it necessary, in May, to dispatch James Collinsworth and Peter W. Grayson as commissioners to supersede all former appointees, in order that the latest plans of the government might be represented.<sup>20</sup>

These changes naturally indicated a lack of stability in Texas. As a result, President Jackson was cautious about the reception of the various agents until he could feel that the course of events had proved the ability of Texas to maintain its separate sovereignty. He therefore sent Henry M. Morfit to Texas as a special agent to investigate the civil, military, and political conditions in the new republic.<sup>21</sup> Morfit reported fully upon all these matters, and among the correspondence is a letter which discusses the question of boundaries. His statement of the boundary claimed agreed with the suggestion of General Houston, with the exception that the government's aim was to run the line due north from the source of the Rio Grande, instead of northeast. But he adds:

It was the intention of the government, immediately after the battle of San Jacinto, to claim from the mouth of the Rio Grande along the river to 30 degrees, north latitude, and thence due west to the Pacific. It was found, however, that this would not strike a convenient point on the California coast; that it would be difficult to control a wandering population so distant, and that the territory now determined on would be sufficient for a young republic.<sup>22</sup>

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<sup>18</sup> Carson to Childress and Hamilton, April 1, 1836, in Garrison (ed.), *Diplomatic Correspondence*, I, 76-77; Carson to Forsyth, April 1, 1836, *ibid.*, I, 78.

<sup>19</sup> Burnet to Carson, April 1, 1836, *ibid.*, I, 75.

<sup>20</sup> Burnet to Collinsworth and Grayson, May 26, 1836, *ibid.*, I, 89-90; Jack to Austin and others, May 27, 1836, *ibid.*, I, 91-92.

<sup>21</sup> Forsyth to Burnet, June 25, 1836, *ibid.*, I, 100.

<sup>22</sup> Morfit to Forsyth, August 27, 1836, in *Senate Docs.*, 24 Cong., 2 sess. (Ser. 297), no. 20, pp. 12-13.



This statement may be said to express not only the policy of the provisional government, but also the desires of the people themselves. At first their reason seems to have been the conviction that the Rio Grande as a boundary would furnish the best available frontier against Mexican intrusions, rather than a desire for the actual occupation of the area extending to this river. The general feeling was that this area should be kept barren, in order that any Mexican force which crossed the stream might be deprived of all means of subsistence, and thus be unable to reach the actual frontier of settlement. The Guadalupe River was suggested as the most extreme eastern border for this proposed barren area,<sup>23</sup> but other plans placed it as far west as the Nueces.

Some of the leaders expressed a fear that there might be serious embarrassments in securing the Rio Grande as the line, "on account of dividing the populated parts of Tamaulipas and Coahuila low down, and Chihuahua and New Mexico high up."<sup>24</sup> But they felt that, under any circumstances, the boundary should include the entire valley of the Nueces on the south, and that of the Pecos on the west.

In October, Texas organized a permanent government, with Houston as president. The fact that he favored the Rio Grande boundary inspired confidence among some of his supporters, and two of them, Branch T. Archer and James Collinworth, applied to the Texan Congress for the privilege of organizing a company with the purpose of "connecting the waters of the Rio Grande by internal navigation and rail roads with the waters of the Sabine." The corporation was to be known as the "Texas Railroad, Navigation, and Banking Company," and foreign capital was to be introduced for carrying out the project. Its

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<sup>23</sup> *Telegraph and Texas Register*, October 26, 1836.

<sup>24</sup> Austin to Meigs, November 7, 1836, in *Austin Papers*, University of Texas. Austin expressed himself as favoring the Rio Grande as the boundary, if it could be secured.

principal advantage for Texas was to be found in the fact that it afforded a safe internal communication for both commercial and military purposes, "from our extreme eastern border to the heart of the great valley of the Rio Grande, making the extremes neighbors, and uniting the whole together as one great family."<sup>25</sup>

On December 12, 1836, the committee on the state of the republic, to which this petition had been referred, reported a bill incorporating the company, and urged its passage, saying: "Such a work, extending to the doors of our birthplace upon the one hand, and to the verge of California upon the other, will be not less magnificent in conception than useful in fact."<sup>26</sup> The bill was speedily passed by both houses of Congress,<sup>27</sup> and was immediately signed by President Houston. Ten days later, in reply to a request from Archer for information concerning the geography of Texas, Thomas J. Green, a member of the Texan Congress, stated that less than thirty miles of canal would be needed to unite the Sabine and the Rio Grande. But he saw greater possibilities in the project. He pointed out the fact that a railroad was already advancing westward in Louisiana, and added that, by connecting this road with the canal at the Sabine, the trip could be made from New Orleans to Matamoros in seventy hours. Then, from Matamoros, three days of steamboat travel would reach the head of navigation on the Rio Grande, "whence a railroad of 450 miles in length, will land you upon the gulf of California, at the port of Guaymas," thus furnishing a direct route to China and the East Indies. He predicted that "a combination of political events must soon happen, which

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<sup>25</sup> Tex. Cong., *House Jour.*, 1 Cong., 1 sess., 247.

<sup>26</sup> *Ibid.*, 256-257.

<sup>27</sup> December 13 in the House; *ibid.*, 262; December 14 in the Senate; Tex. Cong. *Senate Jour.*, 1 Cong., 1 sess., 91. The record of the progress of the measure in Congress, together with some additional letters, was published by the company in pamphlet form, under the title, *Charter of the Texas Railroad, Navigation, and Banking Company*. A copy is in the Bancroft Library.

will place Texas no longer in a frontier position to the States of the North; for our southern line must run due west, from the mouth of the Rio Grande to the Pacific, which will add a country west of Texas as large as the original thirteen States.'<sup>28</sup> But while these unofficial expansionist sentiments were being advanced, less pretentious plans were being worked out in official circles.

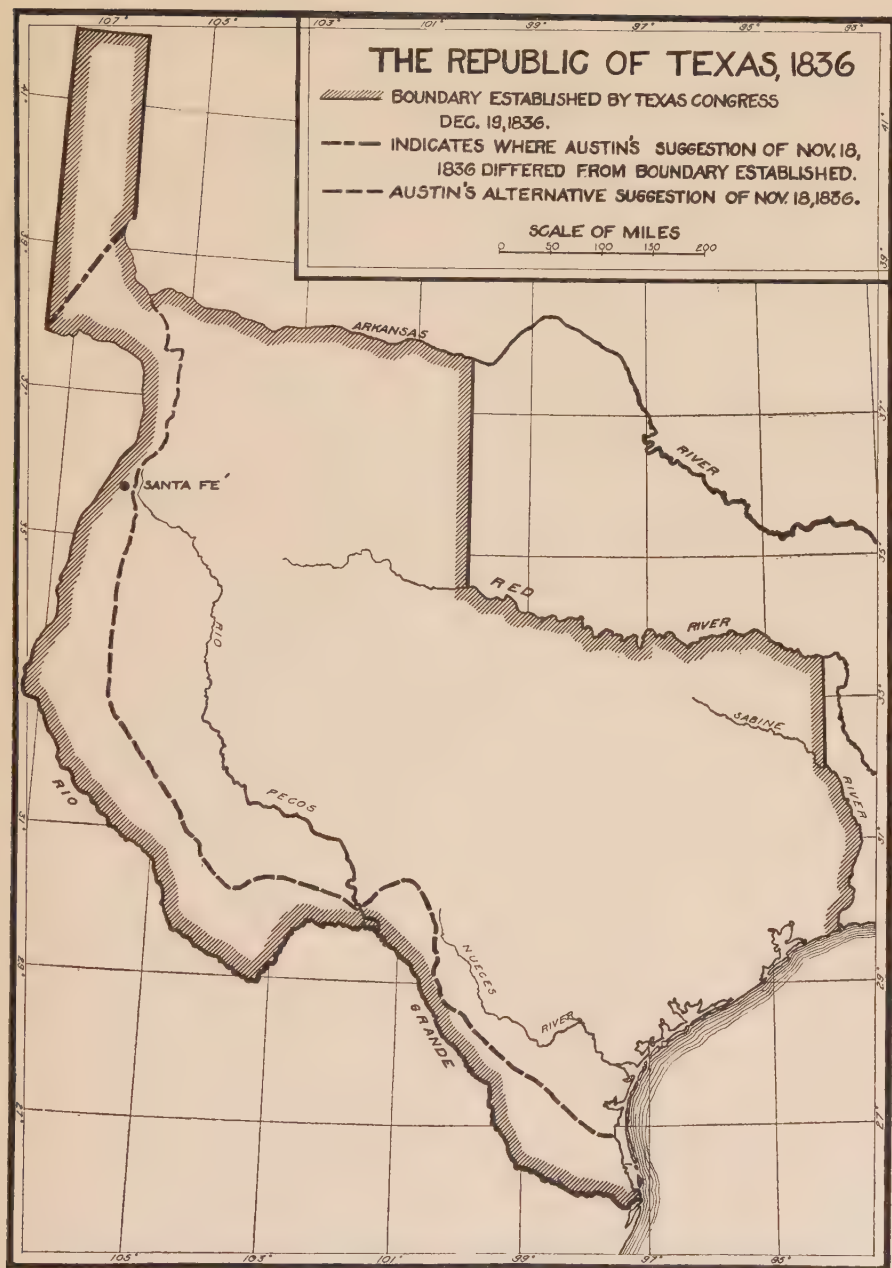
*Official statement of the boundary.*—As yet, the question of boundaries had not been mentioned by the Texan agents in the United States. But as soon as possible after the organization of a permanent government, William H. Wharton was sent to the United States as minister plenipotentiary, to attempt to bring about two ends: first, the recognition of Texan independence, and second, annexation. In giving him his instructions, Austin, now the secretary of state, urged that the attempt to secure recognition be pressed, and advised care in accepting any terms of annexation except by a formal treaty. With regard to the boundaries, he anticipated some trouble in making a definite settlement, but thought it important that the views of Texas should be made known. Concerning these views, the instructions say:

. . . use the following as you may deem necessary. We claim and consider that we have possession to the Rio Bravo del Norte. Taking this as the basis, the boundary of Texas would be as follows. Beginning at the mouth of said River on the Gulf of Mexico, thence up the middle thereof, following its main channel, including the Islands to its most northerly Source, thence in a direct line to the United States boundary under the treaty of De Onis at the head of Arkansas River, thence down said river and following the United States line as fixed by said De Onis treaty to the Gulf of Mexico at the mouth of Sabine, thence Southwardly along the Shore of said Gulf to the place of beginning, including the adjacent islands,

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<sup>28</sup> Green to Archer, December 26, 1836, in *Telegraph and Texas Register*, September 16, 1837. The company practically limited its activities to banking, however, once it had secured its charter, and its name was later changed to "National Bank of the Republic of Texas." (Tex. Cong., *Senate Jour.*, 2 Cong., 1 sess., 108.)





Map 2



soundings, etc. . . . Should it appear that very serious embarrassments or delays will be produced by insisting on the above described line, the following alterations might be made on the Western boundary—Instead of the Rio Bravo, beginning on the West of the Gulf of Mexico, half way between the mouth of the Bravo and the inlet of Corpus Christi, which is the main outlet of the Nueces River and bay into the Gulf, thence in a Northwestwardly direction following the dividing ridge of high land that divides the waters of the Nueces river and bay from those of the river Bravo to the hills or mountain in which the main branch of the said Nueces River has its source, and thence following said ridge or chain of mountains westerly so as to strike the River Puerco or Pecos five leagues above its mouth. . . . From the place where the line will strike the Puerco it is to follow the ridge or mountain that divides its waters from those of Rio Bravo, and to continue along said mountains above the head of said Puerco or Pecos to the United States line, at the head of the Arkansas River. The Bravo as a line would cut off many settlements and some villages of native Mexicans and divide the populous valley of New Mexico. It therefore may be seriously objected to. The other line along the dividing ridge includes no Mexican population except Bexar and Goliad whose inhabitants have joined the cause of Texas and are represented in Congress—it will include in Texas all the vallies of the Nueces and Puerco and all the waters of the Red River and those of the South Side of Arkansas, west of the De Onis' line, all of which naturally belongs to Texas and we have peaceable possession of it. The Salt lakes or ponds between the Nueces and Rio Bravo are of incalculable value and would supply a great amount of this article in the chrystalized form—the last mentioned line would divide them, the first would include them all.<sup>29</sup>

The source of the first suggestion was obviously President Houston, while the conservative fears of Austin had caused the insertion of the alternative suggestion, which was the one that he felt would be adopted. Houston's consent to its insertion must be traced to the fact that General Santa Anna's letter, showing the indefinite status of the Texan boundary, had been received less than two weeks previous to the writing of these instructions. Moreover, the Texan claim of peaceable possession as expressed by Austin in the instructions could be made to apply only to the lower Rio Grande, and the feasibility of using force to acquire New Mexico at this time was evidently doubtful.

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<sup>29</sup> Austin to Wharton, November 18, 1836, in Garrison (ed.), *Diplomatic Correspondence*, I, 132-133.

Wharton was also given private instructions, in which he was told that no principles should be surrendered to gain annexation; if the United States refused liberal and munificent terms, he was to endeavor to enlist the interest of France and England in securing recognition from Mexico. In case this was done, however, the specification of the boundary at the Rio Grande was to be demanded.

Because of an apprehension that the extent of the area claimed might deter the United States from admitting Texas without decreasing its size either on the east or the west, Austin gave Wharton the task of convincing the authorities that it was smaller than the maps indicated. He said:

It probably will not exceed One hundred thousand Square Miles, supposing the western boundary to be the dividing ridge between the Rivers Nueces and Puerco, and the River Bravo, which it is probable will be the line finally established. It must also be remembered that a large tract on the Western and Northwestern frontiers is of but little value and can never be densely populated. The country on the Puerco South of the heads of Red River is represented as very mountainous and barren in general.

He wished it made clear also that no future subdivision of that part of Texas lying south of Red River would be consented to, except upon a petition of the legislature of the state, founded upon a previous petition of the people of the particular section concerned. This stipulation, however, was not to be applied to the region lying between the Red and Arkansas rivers, which might be relinquished to the United States in full, on terms that would be equitable to both parties.<sup>30</sup>

Wharton replied that Austin must be greatly in error in supposing that Texas contained only one hundred thousand square miles. Then, in order to meet the objections to the Rio Grande as a boundary, which were expected to arise because of

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<sup>30</sup> Austin to Wharton, November 18, 1836 (Private instructions), *ibid.*, I, 137.



the number of Mexicans in the New Mexico region, and yet to gain possession of all the navigable part of the stream, he suggested that the boundary might follow the Rio Grande to Paso del Norte,<sup>31</sup> or to where the Mexican settlements commenced on the east bank, run from there to the watershed between the Pecos and the Rio Grande, and then along that watershed as suggested in Austin's alternative proposal.<sup>32</sup>

These alternative suggestions represented the conservative view of the Texans on the question of territorial limits. But when the first session of the Texan congress took up the matter, the possibility of any opposition to the first proposal was ignored, and on December 19, 1836, an act was passed, defining the boundaries as follows:

Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain to the beginning.<sup>33</sup>

The Texan claims had now been reduced to a definite form. But the boundary established was a direct encroachment upon the territory of the neighboring Mexican states. For two of them, Tamaulipas and Coahuila, the boundary with Texas had been fixed by official decrees, and accepted by the respective governments. On the west, the situation was somewhat different. Although the western boundary of Texas had been established by the official decrees of 1805 and 1811, and this act was an extension of that boundary, the eastern limits of Chihuahua and New Mexico had never been officially designated. Chihuahua had practically no settlements east of the Rio Grande, while, outside of the valley of the upper Rio Grande, the New Mexican claim could scarcely be based on occupation, because the region

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<sup>31</sup> Opposite where El Paso is now located.

<sup>32</sup> Wharton to Austin, December 11, 1836, *ibid.*, I, 153-154.

<sup>33</sup> *Laws of the Republic of Texas*, 1 Cong., 1 sess., 133-134.

between the settlements and the official Texan boundary was considered uninhabitable. Even in the unoccupied region, the New Mexican right was the stronger, inasmuch as the territory was specifically not included in Texas. As for the upper Rio Grande Valley, however, since the capital of New Mexico, as well as most of the principal settlements, some of them even antedating the establishment of Texas itself, were within the territory thus claimed by the act of the Texan Congress, it was not likely that these claims would be conceded without objection.

*Formulation of an expansionist sentiment.*—For more than a month after the passage of this act, Wharton was using every effort at Washington to obtain recognition for the Texan government, in complete ignorance of the definite step which had been taken in regard to boundaries. Because of the predominant interest in annexation, it had not been necessary to discuss boundaries, and it was not until early in February, 1837, that the question seems to have been brought up. In the meantime, General Santa Anna had arrived in Washington, and President Jackson reported that, in a discussion concerning the extension of the southwestern boundary of the United States to include Texas, he found that the views and wishes expressed by Santa Anna and himself “were in entire accordance.”<sup>34</sup> A few days later, after a conference with Jackson, Wharton expressed an opinion that a conclusion of hostilities between Texas and Mexico “would afford a favorable opportunity of extending by treaty the at present open South West boundary of this [the United States] Government to the Rio del Norte, with the assent of Mexico and of Texas.”<sup>35</sup>

Thus, through the question of recognition, the idea of Texan expansion was becoming closely linked with the larger American

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<sup>34</sup> Wharton to Houston, February 2, 1837, in Garrison (ed.), *Diplomatic Correspondence*, I, 180.

<sup>35</sup> Wharton to Houston, February 5, 1837, *ibid.*, I, 183.

desires, and it was not to stop at the Rio Grande. Shortly afterward, in a postscript to an undated letter to Thomas J. Rusk, then acting as secretary of state for Texas, Wharton jubilantly reported:

General Jackson says that Texas must claim the Californias on the Pacific in order to paralyze the opposition of the North and East to Annexation. That the fishing interest of the North and East wish a harbour on the Pacific; that this claim of the Californias will give it to them and will diminish their opposition to annexation. He is very earnest and anxious on this point of claiming the Californias and says we must not consent to less.<sup>36</sup>

Texas was therefore to be used as a tool of the United States government in carrying out its expansionist ideas. But first, Texan independence had to be recognized. On March 2, Congress gave the president the authority to recognize Texas as an independent power whenever he might receive satisfactory evidence to deem it expedient to appoint a minister to that government.<sup>37</sup> This Jackson proceeded at once to do, and on March 5, Wharton was able to inform his government that "President Jackson has closed his political career by admitting our country into the great family of the nations."<sup>38</sup>

Annexation plans had failed, and even the recognition did not include boundary settlements. The Texans, however, encouraged by the action of the United States, at once began plans for an offensive war against Mexico, which was to involve the occupation of the territory to the Rio Grande, and the securing of a recognition of independence from the central government. During the early months of 1837, rumors of a proposed Mexican

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<sup>36</sup> Wharton to Rusk [not dated], in *ibid.*, I, 193-194. The letter was probably written February 18, because another postscript says, "While I was writing the above the Committee on Foreign affairs of the lower House reported a resolution recommending the immediate recognition of the Independence of Texas, also an appropriation for a Minister to Texas." This report was made February 18. See *Cong. Globe*, 24 Cong., 2 sess., 219.

<sup>37</sup> *Cong. Globe*, 24 Cong., 2 sess., 240, 270, 274.

<sup>38</sup> Wharton to Henderson, March 5, 1837, in Garrison (ed.), *Diplomatic Correspondence*, I, 201.

invasion continually reached Texas, and as one of the steps in preparation to meet it, General Rusk ordered the families between the Guadalupe and the Rio Grande to retire beyond one of the two rivers. To aid those retiring to Texas, General Felix Huston was sent with troops to occupy Corpus Christi. At the same time General Urrea, the Mexican commander, was at Matamoros.<sup>39</sup> Suggestions were coming from interested sources in the United States that Matamoros and other points along the gulf coast should be seized, and that Texas should establish a town on the east bank of the Rio Grande,<sup>40</sup> but a lack of funds proved to be an obstacle. About the same time, Fairfax Catlett, secretary of the Texan legation in Washington, expressed his regret at having been unable to see Ross, the Cherokee Chief, who was attempting to arrange for moving his tribe westward. Catlett felt that this tribe would be a useful ally "in event of an offensive course being determined on, or should the Government hereafter feel an appetite for the Californias."<sup>41</sup>

An effort was next made by Memucan Hunt, who had succeeded Wharton as minister to the United States, to secure a loan with which to raise a force strong enough "to maintain a position on the Rio Grande, until an ample force could be procured to march against and take the City of Mexico itself."<sup>42</sup> In May, Huston began active efforts to secure the consent of the Texan Congress for an expedition against Matamoros. A favorable resolution was passed in the lower house, but was allowed to die in the senate.<sup>43</sup> Impelled by Huston's conduct,

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<sup>39</sup> *Cong. Globe*, 30 Con., 1 sess., 138.

<sup>40</sup> Catlett to Henderson, April 15, 1837, in Garrison (ed.), *Diplomatic Correspondence*, I, 207.

<sup>41</sup> Catlett to Henderson, May 7, 1837, *ibid.*, I, 217.

<sup>42</sup> Hunt to Henderson, May 30, 1837, *ibid.*, I, 222-223; Hunt to President and Directors of the Mississippi and Alabama Railroad Banking Company, May 25, 1837, *ibid.*, I, 224.

<sup>43</sup> Winkler (ed.), *Secret Journals of the Senate, Republic of Texas*, 65-67.



President Houston granted furloughs to most of the Texan soldiers in order to check the movement,<sup>44</sup> but in July it was found that letters of marque and reprisal which had been granted by the president were being used to bring about an invasion under Huston.<sup>45</sup> Nothing came from this movement, however, and by August, conditions in Texas had forced the government to express its willingness to insist only upon the control of the territory included in the Spanish and Mexican boundaries, if such an acknowledgment would gain the consent of the United States government to annexation.<sup>46</sup>

During the next few months the question of annexation evidently overshadowed that of boundaries in Washington. In Texas, however, a new spirit was appearing. Information reached the capital in September, that Bustamente was planning an attack upon Texas, and out of the desperation of the financial conditions of the republic came the boast that unless Mexico made overtures for peace before the following April, "the army of Texas will display its victorious banner *west of the Rio Grande*, and when once its conquering march shall have commenced, . . . no power of Bustamente, or of Mexico, shall avail, but that glorious march shall be onward, till the roar of the Texan rifles shall mingle in unison with the thunders of the Pacific."<sup>47</sup> Fortunately for the Texans, however, Bustamente's attack did not materialize.

This same boastful spirit seems to have temporarily seized Richard A. Irion, the Texan secretary of state. It is interesting to see the same man who, in the summer of 1837, had urged Hunt to acquiesce in the Nueces as the boundary, if annexation

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<sup>44</sup> Williams, *Sam Houston and the War of Independence in Texas*, 238-240; Yoakum, *History of Texas*, II, 215-216.

<sup>45</sup> Henderson to Houston, July 20, 1837, in Garrison (ed.), *Diplomatic Correspondence*, I, 244.

<sup>46</sup> Irion to Hunt, August 13, 1837, *ibid.*, I, 257.

<sup>47</sup> *Telegraph and Texas Register*, September 16, 1837.

to the United States could be accomplished thereby, writing in December of the same year that the recent demonstration indicated that if Texas were forced to exist separately, the expansionist sentiment would continue until "pursuing the destiny indicated to us by that significant and beautiful emblem of our nationality, the evening star, inviting alluringly westward the unavoidable accession of *star* after *star* to our Banner, this now small Republic will embrace the shores of the Pacific as well as those of the Gulf of Mexico."<sup>48</sup> An added allusion to the possibility of an intimate connection with England and other commercial and manufacturing countries of Europe readily explains the motive which lay behind the boast.

*Hunt's plan to secure California.*—During the same period, Hunt was absorbing the expansionist views of United States officials, and was unable, in the end, to remain in sympathy with his own government on the question of territorial retrenchment. He seems to have taken Irion's statement concerning the destiny of the republic seriously, for late in January, 1838, during a conversation concerning the running of the boundary between Texas and the United States, he was asked by John Forsyth, secretary of state of the United States, how far west Texas planned to extend her northern boundary. He immediately replied, "As far as the Pacific Ocean," but when it was urged that the entire line be run at once, he was forced to admit that he had not received the necessary authority from his government.<sup>49</sup>

In reply to a request for this authority, Hunt was informed that "This Government does not wish to run the line at present farther than the 100dth degree of West longitude to a point on Red River in latitude nearly 33° 30', leaving a distance of eight

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<sup>48</sup> Irion to Hunt, December 31, 1837, in Garrison (ed.), *Diplomatic Correspondence*, I, 277.

<sup>49</sup> Hunt to Irion, January 31, 1838, *ibid.*, I, 287-288.

or nine degrees to be run at a future time when it can be done with less hazard and expense."<sup>50</sup> He was referred to previous instructions given on boundaries, and the boundary act of December 19, 1836, was repeated for his benefit. But he was anxious to run the line to the Pacific, because of the apparent desire on the part of the United States to gain an opening in that direction. After reporting that Forsyth was willing to agree to the desire of the Texan government to run only a portion of the line, he continued:

The Government of the United States, is very desirous, I have no doubt, to procure the Bay of St. Francisco, on the Pacific, and I apprehended and have now additional evidence to convince me of the fact that Mr. Forsyth's apparently anxious desire to make the line the whole distance to the Pacific, was to procure from me, the relinquishment of the claim of the Government of Texas, to the right of an extension of its boundary beyond what it was under the Mexican Government. And he expects, I imagine, to be enabled to pass over the claim in the arrangements which we are now making to establish the boundary, in such a manner, as to leave an impression, that the Government of Texas claimed its original boundary, only on its Northern and Eastern frontier. But I will take care in the wording of an article on the subject, that this claim to additional territory be not overlooked. As a separated Power, the splendid harbours on the South Sea or Pacific Ocean, will be indispensable for us, and apart from the great increase of territory by an extension of the line, the possession of the harbour of St. Francisco alone is amply sufficient, for any increased difficulties or expense, should there be any in regard to a claim of territory to the Pacific, in a final treaty of Peace with Mexico. My impression is that, nothing short of coercion, will afford us peace with that nation, and in the exercise of this means, to acquire it eventually, a claim to a large territory, will be as readily conceded to us, when they do yield, as the former limits of Texas would be; and believing this, it is my duty as minister, to act accordingly, in my claim of territory for Texas, in the absence of instructions from my Government on the subject.<sup>51</sup>

This point of view represented the earlier radical desires in Texas to include California. It seems to have been recalled at this time through the fear that, unless the region was claimed

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<sup>50</sup> Irion to Hunt, March 21, 1838, *ibid.*, I, 319.

<sup>51</sup> Hunt to Irion, April 13, 1838, *ibid.*, I, 324.

shortly, occupation by the United States would intercept the possibility of securing it. Thus, at the very time when financial conditions in Texas were making it impossible to provide for the definite establishment of the entire line as claimed by the Texan Congress, diplomatic agents of the republic were clamoring for an additional extension of territory. The singularity of the position suggested by Hunt, however, was the fact that it was assumed that Texas and the United States could determine the ownership of California, without Mexico's wishes being taken into consideration. His attention was called to this fact, and he was told that his opinions with regard to the views of the government in relation to the western boundary line were erroneous. It was reiterated that Texas was not concerned at that time with the territory bordering on the Pacific, and that the western limits with which he should be concerned were those of the boundary act of December 19, 1836. That the expectation that California would ultimately be included under Texan jurisdiction was not given up, however, is shown by the statement that "At a future time this Government may, and probably will, by conquest or negotiation, extend its boundary to the Pacific."<sup>52</sup>

In the meantime, a treaty had been signed by Hunt and Forsyth in which it was stipulated that the boundary provision of the treaty of 1828 between the United States and Mexico should be continued, and immediate provision was made for running only that portion of the boundary between the Gulf of Mexico and the Red River;<sup>53</sup> and early in June, Hunt resigned. From this time the aims of Texan diplomacy in the United States changed decisively. Peter W. Grayson, who was appointed as

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<sup>52</sup> Irion to Hunt, May 18, 1838, *ibid.*, I, 327-328.

<sup>53</sup> Malloy (ed.), *Treaties, Conventions, International Acts, Protocols and Agreements between the United States and Other Powers*, II, 1779; Hunt to Irion, April 28, 1838, in Garrison (ed.), *Diplomatic Correspondence*, I, 325-326.



Hunt's successor, was told that if Congress did not act upon the question of annexation before its adjournment, the proposition was to be withdrawn.<sup>54</sup> Grayson, however, never reached Washington. In August, Anson Jones was appointed to the position, these instructions were repeated<sup>55</sup> and were complied with by Jones in October.<sup>56</sup>

*The Bee-Dunlap efforts with Mexico.*—Two months later, Mirabeau B. Lamar succeeded Houston as president, and under him new policies were to be put into effect. Lamar's ambition was to see Texas develop into a strong independent republic.<sup>57</sup> Among the plans by which he hoped to accomplish this were the extension of trade relations, and expansion of the boundaries of Texas.<sup>58</sup> The first necessity was, of course, to secure from Mexico a recognition of independence, in order that the danger of new aggressions from that direction might be obviated. Accordingly, Barnard E. Bee, the Texan secretary of state, was sent to Mexico to negotiate for peace, with instructions to demand the unconditional recognition of Texan independence, with the Rio Grande, from mouth to source, as the specified boundary. In case the Mexican government refused to concede this boundary, he was authorized to compromise by offering to purchase all territory claimed by the act of December 19, 1836, which had not been included within the original boundaries of Texas. The price was not to exceed five million dollars. If it became impossible to accomplish both aims in a single treaty, the question of boundary might be left for future negotiation, but

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<sup>54</sup> Irion to Grayson, June 12, 1838, in Garrison (ed.), *op. cit.*, I, 331.

<sup>55</sup> Irion to Jones, August 7, 1838, *ibid.*, I, 342-343.

<sup>56</sup> Jones to Vail, October 12, 1838, in *House Docs.*, 25 Cong., 3 sess. (Ser. 344), no. 2, p. 33.

<sup>57</sup> Marshall, "Diplomatic Relations of Texas and the United States," Texas State Historical Association, *Quarterly*, XV (1912), 267.

<sup>58</sup> Lamar's Inaugural Address, December 10, 1838, in *Lamar Papers*, Texas State Library. For a guide to the material contained in this collection, see West (comp.), *Calendar of the Papers of Mirabeau Buonaparte Lamar*.

Bee was cautioned to be careful that no statement be made which could by any possibility be construed into an intention on the part of Texas to yield any portion of the territory lying east of the Rio Grande. Since Santa Anna was once more at the head of the government in Mexico, it was believed that negotiation would meet with no opposition.

In this connection, Lamar's opinions concerning the validity of the treaty of Velasco again make their appearance. Bee was informed that the Texan government did not contend that this agreement was legally binding upon the Mexican government. It was felt, however, that, since Santa Anna had signed the agreement, he should use his influence in causing its promises to be respected by his government; therefore the stipulation concerning the establishment of a subsequent treaty of commerce, amity, and limits was to be used as the ground for securing a treaty at this time.<sup>59</sup>

At about the same time a plan was formed to secure the mediation of the United States government in bringing about a settlement between Texas and Mexico, and for this purpose Richard G. Dunlap was sent to Washington. His instructions with regard to recognition and boundaries were the same as those which had been given to Bee, except that, in case of failure to bring about a demand for a permanent cessation of hostilities, he was empowered to consent to an armistice for two years if its provisions were made to extend over the entire territory claimed by Texas.<sup>60</sup> In addition to this mission he was given the power to make an attempt to transfer the negotiations with Mexico to that city, in case Bee failed to be received in Mexico.<sup>61</sup> He succeeded in gaining the consent of Forsyth to mediation, provided Mexico also expressed the proper desire, and accordingly

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<sup>59</sup> Webb to Bee, February 20, 1839, in Garrison (ed.), *Diplomatic Correspondence*, II, 432-434.

<sup>60</sup> Webb to Dunlap, March 13, 1839, *ibid.*, I, 368-372.

<sup>61</sup> Webb to Dunlap, March 14, 1839 (two letters), *ibid.*, I, 372-373.

professed to see a strong possibility of being able to purchase the territory desired by Texas. Something in the atmosphere at Washington seems to have augmented the expansionist hopes of Texan diplomats during this period, for just as Hunt had been interested in an increase of territory during the preceding year, so now Dunlap began to write enthusiastically concerning the addition of California to Texas. After reporting upon the outlook for mediation, he asked, "How would you like to have the boundary of the Republic to run to the Pacific so as to include California. This may seem too grasping, but if we can get it ought we not to take it and pay for it."<sup>62</sup>

At the same time, he wrote to Bee, in Mexico City, suggesting that the idea of Mexico seemed to be to sell territory, and that, although he had no instructions concerning the arranging of a purchase, he had written for them, and when they came, both agents could follow them. He therefore urged that Bee remain in Mexico whether he obtained recognition or not, until something could be done.<sup>63</sup> Almost at the very time that this letter was being written, however, Bee was being refused recognition in Mexico, and he had left before the letter could have reached him.<sup>64</sup>

*British interests and Treat's mission in Mexico.*—Just at this juncture, a new factor entered as a result of British financial relations with Mexico. A large amount of the Mexican debt was, at the time, in the hands of British bondholders, and to these creditors the instructions which had been given to Bee seemed to offer possibilities to their advantage. On his way to Mexico City, Bee had gone to New Orleans, and while there he had a conference with two agents of the British banking firm of Lizardi and Company, which represented the commercial inter-

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<sup>62</sup> Dunlap to Lamar, May 16, 1839, *ibid.*, I, 383-385.

<sup>63</sup> Dunlap to Bee, May 17, 1839, *ibid.*, I, 389.

<sup>64</sup> Bee to Webb, May 24, 1839, *ibid.*, II, 447.

ests of Mexico in London.<sup>65</sup> These men, professing to believe that "the only means by which the Mexican Bond and Share holders would be paid, would be through the indemnity which Texas might give Mexico, for the disputed territory between the Rio de la Nueces and the Rio del Norte," agreed to solicit the aid of Sir Richard Pakenham, the British minister to Mexico, in the accomplishment of Bee's mission.<sup>66</sup> Accordingly, they submitted to Pakenham a plan by which the five million dollars which Texas was to pay to Mexico in order to secure a recognition of the Rio Grande boundary claim might be made to satisfy the bondholders. Mexico was to locate lands to the value of five million dollars for them within the disputed territory, then accept the money from Texas, and in return agree to the Texan boundary claim.<sup>67</sup>

When Pakenham took up the matter with the Mexican government, however, he found that Bee had already been refused recognition. He then hinted at the advisability of the recognition of Texan independence by Mexico, but was told by Manuel Gorostiza, the Mexican minister of foreign affairs, that Mexico would never consent to the limits demanded by Texas. Gorostiza also added that if a boundary were eventually fixed, it would be desirable to have it guaranteed by some powerful European government.<sup>68</sup> Pakenham did not give up the hope of at least securing an armistice, and informed Bee that Texas needed only to play her cards well in order to succeed.<sup>69</sup>

By August, 1839, therefore, President Lamar had been led to believe that a renewal of the proposals to Mexico would meet

<sup>65</sup> Bee to Webb [not dated, probably April 8, 1839], *ibid.*, II, 440-441.

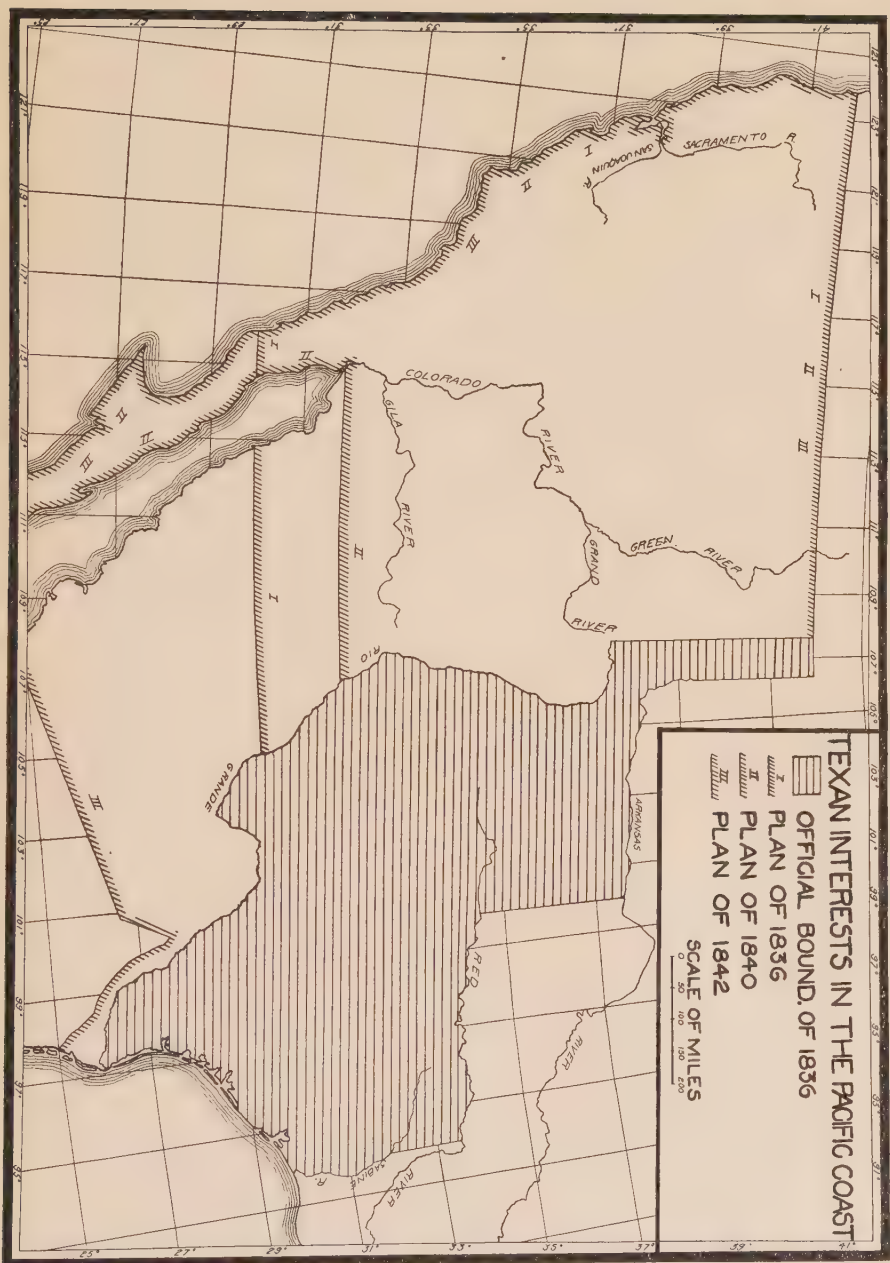
<sup>66</sup> Hamilton to Fox, May 20, 1839, *ibid.*, III, 868.

<sup>67</sup> Gordon to Pakenham, April 29, 1839, cited in Adams, *British Interests and Activities in Texas*, 26-27.

<sup>68</sup> *Ibid.*, 28; Marshall, "The Southwestern Boundary of Texas," Texas State Historical Association, *Quarterly*, XIV (1911), 290.

<sup>69</sup> Bee to Webb, July 24, 1839, in Garrison (ed.), *Diplomatic Correspondence*, II, 465.





Map 3



with better success.<sup>70</sup> Accordingly James Treat was sent to undertake the mission in which Bee had failed. Just at the same time, also, Dunlap's question upon the advisability of acquiring California found the government of Texas in a more receptive mood than it had been when Hunt's suggestions were made, and a new proposal was added. The instructions concerning boundaries which had been given to Bee were repeated for Treat, but before submitting these as an ultimatum, he was to "feel the authorities of Mexico in relation to . . . a line commencing at the mouth of the Rio Grande, mid way its channel, up that stream to the Paso del Norte and from thence a due west line to the Gulf of California and along the Southern shore of that Gulf to the Pacific Ocean." This boundary was not to be strenuously insisted upon, but was to be intimated as "a counterpoise to any extravagant expectations on the part of Mexico and as a premonition to the Government of the ultimate destination of that remote Territory."<sup>71</sup>

Meanwhile Dunlap had learned of Bee's withdrawal from Mexico, and, while still ignorant of the appointment of Treat, he felt that his turn to begin negotiations had come. He repeated his request concerning the purchase of California,<sup>72</sup> and then, having received information of the instructions to Treat, he approached F. Pizaro Martinez, the Mexican minister at Washington, concerning the possibility of establishing "the dividing line between the two Govts so as to run in some suitable manner to the Pacific."<sup>73</sup> The Mexican diplomat's ingenious reply to this suggestion was that such an arrangement would be objected to by the other powers because it might lead to a

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<sup>70</sup> Lamar's Message to the Texas Senate, December 10, 1839, in Winkler (ed.), *Secret Journals of the Senate, Republic of Texas*, 148.

<sup>71</sup> Burnet to Treat, August 9, 1839, *ibid.*, 156-158; also in Garrison (ed.), *Diplomatic Correspondence*, II, 470-471.

<sup>72</sup> Dunlap to Burnet, August 26, 1839, in Garrison (ed.), *op. cit.*, I, 417.

<sup>73</sup> Dunlap to Martinez, October 8, 1839, *ibid.*, I, 422.

monopoly of the Chinese trade by Texas.<sup>74</sup> The effort of course failed, and early in the following year Dunlap jealously reported to his government that it seemed probable that the desires of the United States to secure a port on the Pacific would put that region forever out of the reach of Texas, and thus "circumscribe her growing power, and cripple her means for future advancement."<sup>75</sup>

But while Dunlap was busy at Washington, Treat was on his way to Mexico City. He arrived at Vera Cruz late in November, 1839,<sup>76</sup> and proceeded to the Mexican capital. He was unable to present himself to the government officials before January, 1840, because of a belief that the Texans were in alliance with the federalist revolutionists in northern Mexico.<sup>77</sup> In addition, it was necessary to overcome the fear of the government, that any move toward the opening of negotiations with Texas would precipitate a new revolution at the capital, and to this end the assistance of Pakenham was accepted.<sup>78</sup> Upon being allowed to address the government, he presented the arguments in favor of the recognition of Texan independence, adding merely that in the settlement Texas was willing on her part "to make a liberal, and even generous sacrifice, by allowing a rational consideration for such an act of grace as Mexico now has it in her power to bestow, by a prompt recognition, and a liberal boundary."<sup>79</sup> Treat at the same time was jealously watching every move of the Mexican government, and when, in January, a contract was made with the English

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<sup>74</sup> Dunlap to Burnet, October 12, 1839, *ibid.*, I, 419.

<sup>75</sup> Dunlap to Burnet, January 12, 1840, *ibid.*, I, 435.

<sup>76</sup> Treat to Burnet, November 28, 1839, *ibid.*, II, 500.

<sup>77</sup> Treat to Cañedo, January 24, 1840, *ibid.*, II, 551.

<sup>78</sup> Treat to Lamar, January 31, 1840, *ibid.*, II, 538. This had been planned between Pakenham and the Mexican minister of foreign affairs, a month earlier. Cañedo to Pakenham, December 11, 1839, *ibid.*, II, 505.

<sup>79</sup> Treat to Cañedo, February 7, 1840, *ibid.*, II, 555.



holders of Mexican bonds, in which one hundred million acres of land were hypothecated as security for the converted stock, he reported to his government that it was probable that some of this land might be in Texas, and he feared that the contract applied especially to the region between the Nueces and the Rio Grande.<sup>80</sup>

As soon as the Texan government learned that Treat had been received by the Mexican officials, his commission was forwarded to him, together with instructions to secure the Rio Grande as the line which seemed most eminently adapted to serve as a boundary between Texas and Mexico.<sup>81</sup> Two months later he was told that, if he could obtain no favorable answer from Mexico to his overtures, he should withdraw. In case withdrawal became necessary, he was to inform Pakenham that should Texas "be constrained to change its position and commence offensive operations, it will not be with a view of extending our territory beyond the Rio Grande, and any occupation or military movements west of that River, will be temporary and solely with the view of forcing the enemy to make peace."<sup>82</sup>

By September, 1840, he had reached the conclusion that his efforts were futile, and as a final attempt he presented to the Mexican minister of foreign affairs a preliminary memorandum for the arrangement of an armistice between Mexico and Texas, in which he suggested:

If any Mexican troops shall be found on the left side of the Rio Bravo del Norte, they shall forthwith return to the right side of Said River; and, if any Texian Troops shall be found on the right Side of Said River, to return forthwith to the left side; and it is further hereby agreed, that the Troops of neither of the Contracting parties shall repass the Said Rio Bravo during the continuance of the present Armistice.<sup>83</sup>

<sup>80</sup> Treat to Lamar, February 8, 1840, *ibid.*, II, 559-560.

<sup>81</sup> Burnet to Treat, March 12, 1840, *ibid.*, II, 581-582.

<sup>82</sup> Lipscomb to Treat, May 7, 1840, *ibid.*, II, 633.

<sup>83</sup> Treat to Lipscomb, September 29, 1840, *ibid.*, II, 708.

This proposition was rejected by the Mexican government, on the ground that it did not have the previous sanction of the Texan government, and Pakenham, who had taken an active interest in the negotiations, was informed by Cañedo that in no case could the Mexican government consent "to a provisional line of demarcation to the Southard, or on this side, of the River at San Antonio."<sup>84</sup> Treat at once ceased intercourse with the Mexican officials,<sup>85</sup> and left the country.

Thus at the close of 1840, after four years of effort, Texas had secured no definite results on the question of extending her jurisdiction to the Rio Grande. The boundary act of December 19, 1836, stood upon her statute books, but the recognition of her independence by the United States did not include a guaranty of her boundaries, while the negotiations with Mexico had failed to gain even a recognition of her independence from that government. In spite of this difficulty, however, an important element in Texas itself professed to see possibilities for an extension of her jurisdiction to the Pacific Ocean, and it was evident that the struggle had not yet been abandoned.

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<sup>84</sup> Pakenham to Treat, October 15, 1840, *ibid.*, II, 726.

<sup>85</sup> Treat to Lipscomb, October 17, 1840, *ibid.*, II, 711.

### CHAPTER III

#### PLANS TO OCCUPY THE RIO GRANDE COUNTRY, 1839-1841

While the government of Texas was concerned with its struggle for recognition and its attempts to bring about annexation to the United States little was done toward the occupation of the additional territory which had been claimed by the boundary act of December 19, 1836. At the end of Houston's first administration this act was still nothing more than a claim waiting to be enforced. But the annexation question had been temporarily dropped in the efforts to secure mediation; and when these efforts proved futile, the only alternative left to the government for maintaining its boundary claims was to occupy the territory in question and establish jurisdiction over it. This became one of the policies of the Lamar administration. Therefore, even before the failure of the negotiations with other powers was a certainty, the possibility of such an outcome led to the formulation of plans for the accomplishment of this aim.

In his inaugural address Lamar gave expression to some of his ambitions with regard to the future of Texas as an independent republic. He indicated his desire to build up its finances, to secure the recognition of foreign powers, to gain an acknowledgment of its independence from Mexico, to expand its trade relations by commercial treaties, to extend the boundaries, and to establish a system of education. He took a definite stand in opposition to annexation to the United States, because of the danger of becoming embroiled in political strife, and attempted to portray "the high destiny that awaits our country; the great prosperity which lies within her attainment if she will but

appreciate her natural advantages, and not part with the right of developing and controlling her incalculable resources." As he considered the agricultural and commercial possibilities of her vast extent of territory, "stretching from the Sabine to the Pacific and away to the South West as far as the enemy may render it necessary for the sword to mark the boundary," he felt that Texas might supply the world.<sup>1</sup>

The missions of Bee, Dunlap, and Treat were designed to accomplish such parts of this program as required negotiation with the United States and Mexico. Diplomatic agents were also sent to France, England, and the Netherlands to secure a recognition of independence, together with commercial treaties. Other problems had to be met in Texas, itself. In the first place, the population of the republic was not large enough to meet the task of occupying all of the region which had been claimed by the Texan Congress so long as it was also occupied by numerous Indian tribes which were gradually becoming more hostile as they were forced westward by the advance of settlement. In addition to this difficulty, another revolutionary movement against the government of Mexico was developing in the regions adjoining Texas on the southwest, and this involved a part of the territory east of the Rio Grande.

*The problem of commercial relations along the lower Rio Grande.*—Both of the problems just noted came to the front in connection with the question of commercial relations with the inhabitants along the Rio Grande. Lamar had received requests from the recognized officials in the Mexican states bordering on Texas, that some move be made to open a trade and establish friendly intercourse between these people and the inhabitants of Texas.<sup>2</sup> Accordingly, in his first message to the Texan Con-

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<sup>1</sup> Lamar's Inaugural Address, December 10, 1838, in *Lamar Papers*, Texas State Library.

<sup>2</sup> Lamar's Proclamation, February 21, 1839, *ibid.*



gress, he suggested a plan to open such a trade, with the idea of cultivating the friendship of these states toward Texas, and with the added hope that it might enable the Texans to secure a more definite knowledge concerning the intervening country. But the hostility of the Indians presented a barrier. He therefore suggested also that a war be opened against the Indians, which would result either in their extermination, or their expulsion from the territory of Texas. He asked that a line of military posts be established for the double purpose of protection, and of serving as a base from which the warfare against them could be prosecuted more vigorously.<sup>3</sup>

The Texan Congress immediately provided for the raising of a regiment for the protection of the frontier, and subsequent acts brought the force up to three regiments, which were to serve as rangers.<sup>4</sup> The proposals concerning western trade were also taken up, and on January 24, 1839, a joint resolution was passed, authorizing the president to open trade with the inhabitants along the Rio Grande.<sup>5</sup> On February 21, Lamar therefore issued a proclamation, in which he stated that such trade could now be legally carried on between the two regions. But a restriction, which was added, to the effect that all Mexican traders must have passports from either the civil or the military authorities of their governments, and must enter Texas by way of Casa Blanca, on the Nueces, indicates that only the lower Rio Grande region was meant to be included.<sup>6</sup>

The trade was soon begun. It had not developed to any great extent, however, before evidence began to reach the Texans that the Mexican military officials were sending agents into Texas for the purpose of encouraging the hostile Indians to

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<sup>3</sup> Lamar's Message to Congress, December 21, 1838, *ibid.*

<sup>4</sup> Tex. Cong., *Senate Jour.*, 3 Cong., 1 sess, *passim*.

<sup>5</sup> *Ibid.*, 131; *Laws of the Republic of Texas*, 3 Cong., 1 sess., 105-106.

<sup>6</sup> Lamar's Proclamation, February 21, 1839, in *Lamar Papers*, Texas State Library.

commit new outrages upon the settlers. In February, Valentin Canalizo, commander of the Mexican forces along the Rio Grande, in instructions to Manuel Flores concerning operations in Texas, explained that he was to secure the coöperation of the principal Indian chiefs in occupying "the line of San Antonio de Bexar, about the Guadalupe, and from the heads of the San Marcos to their mouth."<sup>7</sup> Flores was killed by Texans while he was carrying out this mission, and on his person were found letters from Canalizo to various chiefs, outlining the plan to be followed. The first result was a renewal of the determination to exterminate the Indians, and under the direction of General Kelsey H. Douglass, a ruthless campaign was carried on against the Cherokees and the Comanches, in which these tribes were forced back from the frontier of settlement.<sup>8</sup>

The Flores incident brought a feeling among Texans that the new trade relations exposed them to new dangers from Mexico, by enabling Mexicans to enter Texas in the guise of traders, when in reality they were coming for the twofold purpose of keeping the Indians in a hostile attitude toward the Texans,<sup>9</sup> and of securing information which would be helpful to their government. Opposition to the plan developed, therefore, and the trade was carried on mostly by the Mexicans, until, in 1841, the increase in the number of marauding parties, together with the fact that many of the Mexican traders were recognized among the marauders, led to proposals for its abandonment.<sup>10</sup>

*Danger from the Republic of Rio Grande.*—In the meantime, a new federalist movement had begun in northern Mexico, and

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<sup>7</sup> Canalizo to Flores, February 27, 1839, in *Telegraph and Texas Register*, July 10, 1839; also in *Sen. Docs.*, 32 Cong., 2 sess. (Ser. 660), no. 14, p. 31.

<sup>8</sup> Reports from the leaders of the various expeditions against the Indians are to be found in the *Army Papers*, Texas State Library.

<sup>9</sup> Wright to Bee, November 18, 1839, in Garrison (ed.), *Diplomatic Correspondence*, II, 627.

<sup>10</sup> Bell to Archer, October 4, 1841, in *Army Papers*, Texas State Library.

efforts were made to obtain assistance from Texas. In the spring of 1839 an agent of the revolutionists informed the Texans that the opening of trade across the Rio Grande by Lamar had been beneficial to their cause, and because of this beginning, he now sought an agreement between Texas on the one hand, and the revolutionary states—which, he said, included Tamaulipas, San Luis Potosí, Zacatecas, Jalisco, Nuevo León, Coahuila, Durango, Sinaloa, Chihuahua, New Mexico, and the Californias—on the other, by which the Texans would furnish two thousand troops, while the federation agreed to acknowledge the absolute independence of the former state of Coahuila and of Texas.<sup>11</sup> It was felt in Texas, however, that the republic had nothing to gain by favoring either side, even did the federation actually exist, which was doubted.<sup>12</sup>

By the end of the summer new overtures had come from the same group of states, with the exception of San Luis Potosí, Jalisco, and Sinaloa, expressing their desire for friendship and coöperation.<sup>13</sup> Texas continued her refusal to take a part, officially; but, in October, Captain Reuben Ross, who had recruited a company of Texans for the protection of the Nueces frontier, joined the federalist forces, which were under the command of General Antonio Canales. Ross claimed that he had been given discretionary powers, and he therefore decided to give the broadest possible construction to his orders and cross the Rio Grande, since he felt that this was the best method of protecting the western frontier.<sup>14</sup>

Texas was now forced to declare neutrality, and a small party of Texans, under Colonel Benjamin H. Johnson, was sent across the Rio Grande to carry Lamar's proclamation of neutrality, in order that "the delusion under which some of

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<sup>11</sup> *Telegraph and Texas Register*, April 10, 1839.

<sup>12</sup> *Ibid.*, April 24, 1839.

<sup>13</sup> *Ibid.*, August 28, 1839.

<sup>14</sup> *Ibid.*, October 30, 1839.

our citizens were laboring might be dispelled, and the policy of the President not compromised, by their misguided and imprudent zeal in taking a part against what they supposed to be the common enemy.'<sup>15</sup> This entire party was killed by the Mexicans. In the meantime other evidences of antagonism to Texas were reaching the government, in the form of reports from A. S. Wright, a secret agent employed by Bee while he was in Mexico. Early in November, Wright reported that Durango and Coahuila were making an effort to secure ways and means to assist Tamaulipas in driving Texas off the Nueces, and urged that the activities of Canales, especially, along the Rio Grande be watched carefully.<sup>16</sup> A week later, he wrote that Canalizo was at Matamoros with two thousand men, for the purpose of keeping down the federalists under Canales, who had now retreated to the region between the Rio Grande and the Nueces, and who had suggested a combination of the Mexican and federalist forces to drive the Texans from Casa Blanca, on the Nueces.<sup>17</sup>

In January, 1840, the federalists succeeded in organizing a provisional government under the name Republic of Rio Grande, with its capital at Guerrero, south of the Rio Grande.<sup>18</sup> Jesus Cardenas was made president, Francisco Vidaurri, vice-president, and Canales was retained as commander-in-chief of the army, while it was stipulated that the Rio Grande should be the established boundary between the new republic and Texas.<sup>19</sup> The organization was scarcely accomplished, before it became necessary for Texan officers on the frontier to complain of encroachments upon Texan territory. On the advance of the

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<sup>15</sup> Lipscomb to Bee, February 6, 1840, in Garrison (ed.), *Diplomatic Correspondence*, II, 545-546.

<sup>16</sup> Wright to Bee, November 10, 1839, *ibid.*, II, 619.

<sup>17</sup> Wright to Bee, November 18, 1839, *ibid.*, II, 630.

<sup>18</sup> Yoakum, *History of Texas*, II, 288.

<sup>19</sup> Austin *Sentinel*, April 1, 1840; *Telegraph and Texas Register*, April 15, 1840.



Mexican forces toward Guerrero, the members of the provisional government appointed the Lake of Espantoso, on the Nueces River, as the seat of government for the new republic. The fact that this seat of government was over one hundred miles north of the Rio Grande, together with the presence of federalist troops on the Nueces, aroused the feeling in Texas that this was "too bold and daring an invasion of the territory of Texas to be passed by without animadversion from our government."<sup>20</sup> Vidaurri protested, however, in the face of these facts, that his government had no intention of claiming jurisdiction north and east of the Rio Grande,<sup>21</sup> and the demise of the new government before the end of the year left the question to be settled between Texas and Mexico.

*Location of the frontier of settlement.*—In spite of the difficulties presented by the attitude of the Indians and by the distraction of maintaining neutrality in the new revolutionary movement, the Texans did not lose sight of their main object during 1839 and 1840. The question of colonizing the area beyond the frontier of settlement was renewed at every possible opportunity, and when the Indian campaign of 1839 partly removed the most immediate danger, the government was ready to take up the work of establishing military posts. Accordingly, in December, 1839, Albert Sidney Johnston, the Texan secretary of war, submitted to Congress a plan for protecting the western and southwestern frontiers. The purpose is indicated by his statement that the direction of the line of posts was selected "in such a manner as to embrace the settlements already established, and to cover those districts which need only protection, to induce their immediate settlement."<sup>22</sup>

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<sup>20</sup> *Telegraph and Texas Register*, April 8, 1840.

<sup>21</sup> *Ibid.*, April 15, 1840.

<sup>22</sup> Report of Secretary of War, December 18, 1839, in *Army Papers*, Texas State Library.

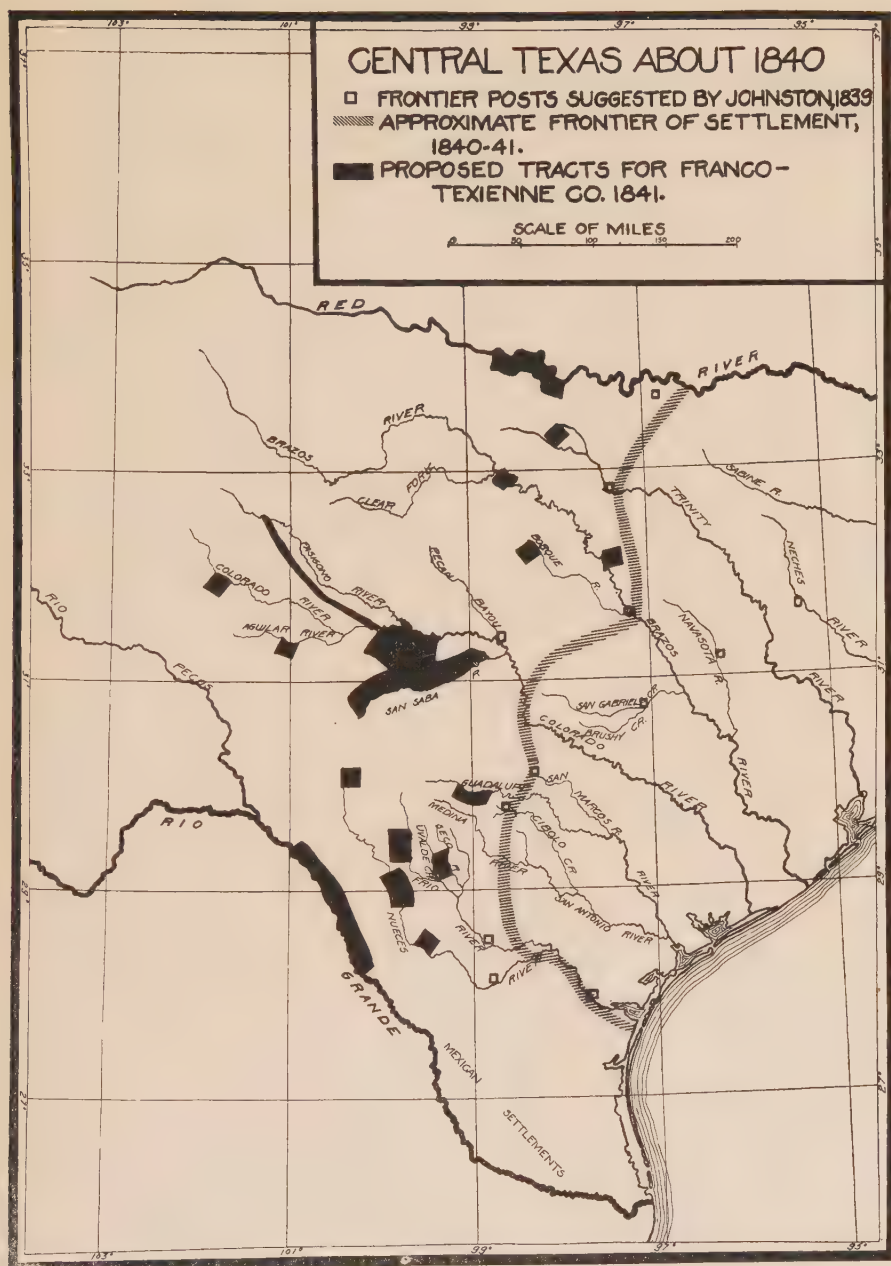
The frontier line suggested by Johnston was to begin at Basin Springs, near Coffee's trading house, on Red River, where the first post was to be located, and was to terminate at San Patricio, near the mouth of the Nueces River, where the ninth post was to be located. From north to south, the intervening posts were to be established as follows: one near the west fork of the Trinity River, in the Cross Timbers;<sup>23</sup> one near the junction of the Bosque and Brazos Rivers; one at the junction of Pecan Bayou and Colorado River; one near the source of San Marcos River; one at the upper fork of the Cibolo River; one on the Frio River above the road from San Antonio to Laredo; and one at the point where this same road crossed the Nueces. There were also to be three auxiliary posts, located within the area of actual settlement, from which communication could be maintained with the frontier posts. The westernmost extremity of this line was just east of the meridian of ninety-nine degrees, or four degrees east of the westernmost point of the boundary of Texas under Spanish and Mexican rule; and at all other points north of the two posts on the Nueces, the line was from one to three degrees east of the nearest point in the Spanish boundary of Texas as established in 1811. This meant that at the same time the Texans were claiming the Rio Grande as a boundary, they were unable to occupy all of the region which Spain had conceded to their province.

Nevertheless their ardor for expansion was not checked. While Johnston was formulating his plan for frontier protection, Wright reported from Mexico that a force of three thousand well-armed Texans, landed on the Rio Grande, could lay waste the five principal Mexican states bordering on the west side of that river.<sup>24</sup> And during the same year, Anson Jones, who had

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<sup>23</sup> Approximately the present site of Ft. Worth.

<sup>24</sup> Wright to Bee, November 10, 1839, in Garrison (ed.), *Diplomatic Correspondence*. II, 623.



Map 4





just returned from a diplomatic mission in the United States, suggested that Texas might be able to establish the cause of justice, national liberty, and constitutional law, "from the Sabine to the Rio Grande, and from the Gulf of Mexico to the Pacific Ocean."<sup>25</sup> During the following year, also, Wright continued his suggestions for an invasion of Mexico, and, on one occasion, he predicted that within twenty years the Texan flag would be flying over the city of Mexico.<sup>26</sup>

At the same time, however, Colonel William G. Cooke was attempting to establish the frontier posts which had been suggested by Johnston. In the fall of 1840, he reported that "after travelling through a Country hitherto almost unknown, and encountering all the difficulties incident to such a march, [he had] reached Red River, and selected a very judicious point, above the settlements on that stream, for the establishment of the first post." The appropriation which had been granted for the purpose was exhausted in this one effort, however, and he now requested additional funds in order that he might return along the line of defense and establish the other posts.<sup>27</sup>

*Colonization beyond the frontier.*—In spite of these difficulties, plans for the establishment of colonies beyond the frontier line were brought up at this time. On November 9, a resolution was adopted by the lower house of the Texan Congress, providing for the investigation of the expediency of setting apart such of the public domain between Austin and Santa Fé as might be adapted to colonization, with a view to opening a trade with the country to the west.<sup>28</sup> Shortly afterward, James W. Parker petitioned the Congress to authorize him to raise a force of not

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<sup>25</sup> *Telegraph and Texas Register*, July 17, 1839.

<sup>26</sup> Wright to Bee, June 25, 1840, in Garrison (ed.), *Diplomatic Correspondence*, II, 655.

<sup>27</sup> Lamar's Message to Congress, December 2, 1840, in *Tex. Cong., House Jour.*, 5 Cong., 1 sess., 211.

<sup>28</sup> *Ibid.*, 43, 46.

more than four thousand men, without cost to the government, and to give to each man a conditional grant of 640 acres of the public domain, to be located north of the road from Santa Fé to Missouri, provided he succeeded in making a treaty with the prairie Indians within twenty months. This petition was rejected by Congress on November 21.<sup>29</sup>

A month later, a more carefully worked out plan was presented by General Felix Huston. In a letter to Branch T. Archer, who had succeeded Johnston as secretary of war, he pointed out that, in case of invasion from Mexico, Texas would need foreign aid. To obtain this aid, he recommended a colonization plan by which a section of country on the Rio Grande would be designated for a military colony. The Texan government was to advance bonds to the amount of \$600,000 to provide an outfit for the colonists, who, in return, were to be subject to two years of military service for which they were to receive no remuneration other than the lands assigned to them, together with one-half of all money that should be added to the military funds as a result of their activities. The balance of such money was to be used in bringing in the colonists, and in enabling them to settle on their lands when the war was over. He estimated that in this way from three to six thousand men could be thrown into the west at an expense of not over \$600,000, in addition to the appropriation of lands then in the possession of Texas.<sup>30</sup>

At about the same time, rumors of an invasion from Mexico reached the officials of Texas, whereupon David G. Burnet, who was acting president during Lamar's absence from the republic on account of illness, in a wild message to Congress, urged im-

<sup>29</sup> *Ibid.*, 133.

<sup>30</sup> Huston to Archer, December 23, 1840, in *Army Papers*, Texas State Library. Huston had made a similar suggestion to Lamar two years previously, but it had not been considered. Huston to Lamar, December 31, 1838, in *Lamar Papers*, Texas State Library.

mediate action. He took the stand that a resort to the sword cancelled all previous pledges and opened the way to a new adjustment. He therefore hoped that Texas would take this opportunity to drive the controversy to a prompt and final decision. As for the boundaries, he said, "Texas proper is bounded by the Rio Grande—Texas as defined by the sword may comprehend the Sierra del Madre. Let the sword do its proper work."<sup>31</sup> Taking advantage of this sentiment, Huston proposed the organization of an expedition to start about April 1, 1841, from northeastern Texas, against Chihuahua. It was his opinion "that 1000 men can be raised for that purpose, and be thrown to a point that would greatly embarrass an invading Army, and compell them to abandon any fortifications they may make this side of the Rio Grande."<sup>32</sup>

One week after this suggestion was made, Burnet repeated the desire to "plant the standard of the single star on the summit of the Sierra del Madre," and submitted to Congress Huston's colonization plan, with the comment that

The establishment of a colony of brave and active yeomanry upon the inland frontier, with suitable precautions which shall guarantee the certain and uninterrupted jurisdiction of the government, would greatly contribute to the protection of our borders from the Indian tomahawk; as it will also operate to restrain the inherent animosities of our Mexican neighbors, who will not fail in years to come, to indulge the most sinister jealousies of our growing Republic. . . . That the early occupation of the territory adjacent to the Rio Grande, will be a matter of great moment, in the event of a treaty with Mexico, is most evident; and it is a question worthy of enquiry, whether the ordinary ingress of population will accomplish that object within a convenient season. A superinduced population, to be planted there, would more certainly effectuate it.<sup>33</sup>

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<sup>31</sup> Burnet's Message to Congress, December 16, 1840, in *Tex. Cong., House Jour.*, 5 Cong., 1 sess., 292-293.

<sup>32</sup> Huston to Archer, December 23, 1840, in *Army Papers*, Texas State Library.

<sup>33</sup> Burnet's Message to Congress, December 30, 1840, in *Tex. Cong., House Jour.*, 5 Cong., 1 sess., 388-390.

Huston's colonization plan was not taken up by Congress, however, for, on the same day that a select joint committee reported favorably on his plan,<sup>34</sup> there was introduced in the House a bill providing for the incorporation and establishment of a French colonizing company, to be known as the Franco-Texienne Company.<sup>35</sup> This corporation was to be authorized to introduce eight thousand Frenchmen into Texas, as colonists. These were to be stationed at twenty forts which were to be erected, and maintained for twenty years by the company, along the western frontier, extending from the Red River to the Rio Grande. When eight thousand settlers over the age of seventeen were actually located at these forts, the company was to receive three million acres of land, to be divided into sixteen tracts.<sup>36</sup>

The first of these tracts was to consist of 512,000 acres, along the left bank of the Rio Grande, extending one hundred miles up the river from the road between San Antonio and Presidio del Rio Grande. Three posts were to be located on this tract. The second tract was to be a strip twenty-one miles long, extending along both sides of the Nueces River, beginning thirty-nine miles above the point where the road from San Antonio to Presidio del Rio Grande crossed that stream. This tract was to contain 192,000 acres, but no provision was made for the location of a post upon it. The next tract was to consist of 194,000 acres, stretching for twenty miles along the right bank of Frio River, from a point twenty miles above the mouth of Arroya Uvalde, and for it one post was provided. The fourth, containing 128,000 acres, embraced the territory north of the Frio River between Arroya Uvalde and Arroya Seco, and was to have one post. The fifth was to be the same size, extending for twenty miles up the Guadalupe River from the mouth of Sabine Creek,

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<sup>34</sup> *Ibid.*, 473-480.

<sup>35</sup> *Ibid.*, 484.

<sup>36</sup> *Telegraph and Texas Register*, February 10, 1841.

and was to have one post. The next tract was the largest of the group, containing one million acres, lying between the Colorado and San Sabá Rivers. This was to be divided into three grants, and four posts were to be located upon it. The seventh tract was to extend from the Colorado to the Pasigona River, along a road which was being planned between San Antonio and Santa Fé. It was to contain 192,000 acres, with one post. The eighth, containing 294,000 acres and one post, was to extend for forty-six miles up Red River, from the Cross Timbers. The remaining eight tracts were to be surveyed in square form, each to contain fifty thousand acres, and each to have one post located upon it. Two were to be near the source of the Nueces, one near the source of the Colorado, one near that of the Brazos, one between the upper forks of the Trinity, while the other three were on smaller streams, nearer to the settled area of the republic.<sup>37</sup>

The eastern boundary of this grant was essentially the line of frontier posts which had been suggested by Johnston, in 1839, while the tract as a whole covered a strip of territory varying from twenty to one hundred miles in width from east to west. No other grant of any land west of ninety-nine degrees was to be made for twenty years, and the company was to have the privilege of working all mines during the period of the grant, provided it paid fifteen per cent of the proceeds to the government of Texas. As originally introduced, the bill also contained a provision that the company should be allowed the exclusive privileges of trading with any of the towns of Chihuahua, Santa Fé, or other western settlements. This provision, after a spirited debate, was stricken out by the House, while the bill, itself, was passed,<sup>38</sup> Sam Houston, who was now a member of that body, arguing that it was essential because Texas

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<sup>37</sup> *Ibid.*, July 21, 1841.

<sup>38</sup> Tex. Cong., *House Jour.*, 5 Cong., 1 sess., 597.



was too weak to defend her own frontiers.<sup>39</sup> The Senate, however, refused to pass it,<sup>40</sup> and it became one of the issues of the presidential election campaign of 1841. It was opposed on the grounds that it would mean a monopoly of trade and western lands by French interests, and the result would be that Texas would soon find herself nothing more than a French colony.<sup>41</sup> In spite of this opposition, however, Houston, who had been one of the leading advocates of the bill in the House, was elected.

*Texan interest in the upper Rio Grande region.*—Some of these colonization plans show that the interest of the government of Texas during this period had not been directed solely toward the possibility of occupying the lower Rio Grande country. While Lamar's proclamation of February 21, 1839, with regard to commercial relations along the Mexican frontier, could be made to apply only to the lower section of the river, his activities indicated that he was also formulating plans by which the New Mexico country might be brought under something more than the nominal jurisdiction of the republic. In his annual message of 1839, he stated that he had been impressed with a conviction of the importance of establishing a correspondence and intercourse with the people of Santa Fé, because of its immediate connection with the future interests and prosperity of the country.<sup>42</sup> This impression seems to have been the result of increased information which had been reaching Texas concerning the commercial possibilities of the New Mexico region, together with the feeling that any definite plan for the further expansion of the republic would be futile until he had succeeded in establishing her jurisdiction over the territory already claimed.

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<sup>39</sup> *Telegraph and Texas Register*, February 10, 1841.

<sup>40</sup> *Tex. Cong., Senate Jour.*, 5 Cong., 1 sess., 187.

<sup>41</sup> *Telegraph and Texas Register*, July 21, 1841; see also Mayfield to Saligny, March 29, 1841, in Garrison (ed.), *Diplomatic Correspondence*, III, 1315.

<sup>42</sup> Lamar's Message to Congress, November 12, 1839, in *Lamar Papers*, Texas State Library.

The information came from various sources. In the first place, the trade which was being carried on from the United States with Santa Fé and Chihuahua was sure to attract attention. The trade between St. Louis and Santa Fé, over the Santa Fé trail, had been steadily increasing in volume from year to year, until in 1839 it had reached considerable proportions.<sup>43</sup> During 1839, also, Josiah Gregg had made a successful expedition from Van Buren, in Arkansas, to Santa Fé, along the northern border of Texas,<sup>44</sup> while other traders between the United States and Chihuahua had traversed western Texas.<sup>45</sup>

As early as 1829, Stephen F. Austin had considered the possibility of diverting the Santa Fé trade to Galveston,<sup>46</sup> and, in 1835, he had suggested the construction of a road between Chihuahua and Texas.<sup>47</sup> Then in 1837, George S. Park, a Texan who had escaped to Santa Fé after being captured by the Comanches, wrote that, if the trade of that region could be diverted to Texas, it would bring in several thousand dollars in silver, annually, and thus the Texan currency might be established on a firm basis. He believed that it was not more than five hundred miles from Bastrop, on the Colorado River, to Santa Fé, and that a road might easily be made up the Colorado, across the headwaters of the Brazos to the main fork of Red River, and then over the mountains to Santa Fé. By doing this, he said, Texas could secure peaceably "that important position in the interior of North America—that key which will unlock

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<sup>43</sup> Gregg, *Commerce of the Prairies*, II, 160.

<sup>44</sup> *Ibid.*, II, 9-63; *Telegraph and Texas Register*, July 17, 1839.

<sup>45</sup> Marshall, "Commercial Aspects of the Santa Fé Expedition," *Southwestern Historical Quarterly*, XX (1917), 243.

<sup>46</sup> Austin to Henry Austin, August 27, 1829, in *Austin Papers*, University of Texas.

<sup>47</sup> Austin to Perry, March 4, 1835, *ibid.* Approximately two centuries earlier, Father Alonso Benavides had suggested the establishment of a point on the gulf coast of Texas as a port of entry for supplies from Spain for the New Mexico settlers. See Benavides, *Memorial of 1630* (Ayer translation), 64-65.

to the enterprise of North Americans the valuable country of California on the shores of the Pacific Ocean. By holding out inducements, the Missourians would fill that country and thereby facilitate the settlement of the mountain country north of the San Antonio."<sup>48</sup>

Such a plan was commented upon favorably in Texas at the time,<sup>49</sup> but a bill providing for the opening of trade "with the north-western part of the Republic," was defeated in the Texan Congress during the following May.<sup>50</sup>

Other information came early in 1839, when W. Jefferson Jones, who had been sent to the frontier with an expedition against the Comanches, reported that he had been investigating the possibility of establishing communication between Texas and Santa Fé. His observations are worthy of notice. He placed the value of the annual trade of "what was formerly New Mexico," at twenty million dollars, consisting of gold, silver, and furs. The two outlets in use were: overland to St. Louis, and down the Rio Grande to Matamoros; but the revolutionary conditions in Mexico rendered the latter impracticable, with the result that St. Louis was drawing the trade in spite of the immense distance to be traveled and the continual danger from Indians and Mexican bandits. He felt that the Colorado River could be navigated to a point within three hundred miles of Santa Fé, thus providing the shortest possible land route from that place; and he therefore suggested that trading houses be established at the highest navigable point on the river, while a commission should be sent to Santa Fé "with a view to the introduction of the trade of New Mexico thro' the natural outlet within the limits of the Republic."

If this could be done, not only would the gold and silver of New Mexico be diverted to Texas, but an extensive mule trade

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<sup>48</sup> *Telegraph and Texas Register*, December 23, 1837. †

<sup>49</sup> *Ibid.*, January 27, 1838.

<sup>50</sup> Tex. Cong., *House Jour.*, 2 Cong., 2 sess., 101.

could be carried on with the natives, and, more important still, Texas would be able to take a leading part in the fur trade of the world. Jones said:

At the headwaters of the Colorado, along the chain of mountains which constitute the Cordilleras, are to be found large quantities of those animals from which furs are taken. They are as fine and as valuable as those carried from the Rocky Mountains between St. Louis and Santa Fé. The trappers now engaged in that trade would soon place themselves under the protection of our government and gladly resort to the new Capital of the Western Empire of North America for the disposal of those rich and useful commodities.

In addition to these possibilities, he stated that the taxes which could be imposed for the protection of such trade would yield an immense revenue to Texas, while at the same time the Texans could derive a profit from trading "with this population of New Mexico in provisions and goods of foreign growth and manufacture, which would pass through our ports."<sup>51</sup>

*Motives for the desire to occupy New Mexico.*—A glance at the economic situation in Texas at this time throws considerable light upon the effect such a picture of possibilities would have. Financial conditions were at a low ebb. Contributions from citizens of the United States for the support of the revolution were not adequate, and the issue of government treasury notes had steadily depreciated in value, until in 1840 they were worth only sixteen and two-thirds cents on the dollar.<sup>52</sup> Efforts to negotiate a foreign loan had thus far failed,<sup>53</sup> as had a plan to establish a government bank,<sup>54</sup> and only two means were left—the unoccupied lands, and commerce. The vast extent of public

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<sup>51</sup> Jones to Lamar, February 8, 1839, in *Lamar Papers*, Texas State Library. For other evidence that fur trading was a possibility in Texas, see Barker, "A Glimpse of the Texas Fur Trade in 1832," *Southwestern Historical Quarterly*, XIX (1916), 279-282.

<sup>52</sup> Gouge, *Fiscal History of Texas*, 269.

<sup>53</sup> For the efforts in England, see Adams, *British Interests and Activities in Texas*, 36-78; for those in France, Edwards, "Diplomatic Relations between France and Texas," *Southwestern Historical Quarterly*, XX (1917), 227-241.

<sup>54</sup> Gouge, *Fiscal History of Texas*, 87-92.

land under the jurisdiction of the republic could always be counted upon in meeting its financial obligations, and if the territory now under the control of the Mexican authorities at Santa Fé could be brought unreservedly under Texan control, this possible source of revenue would be increased. But land as security did not bring sufficient revenue immediately,<sup>55</sup> and the Texan need was pressing. Lamar therefore turned to the commercial opportunities which were thus presented, as the best available means of meeting the situation.

With the information at hand, he was convinced, not only that a trade between Texas and Santa Fé was practicable, but also that the traders from Texas would have every advantage over those from the more distant United States. This was pointed out in one of the Texan newspapers.

If goods can be landed at Philadelphia, carried over land to Pittsburgh—thence shipped in a steamboat to St. Louis, and again carried over land to Santa Fé, a distance of not less than 1600 miles through almost a desert country and abounding in warlike tribes of Indians, and afford a profit,—how much greater would be the profit to carry them from Texas, less than one third of the distance, and where none of these obstacles exist. . . . Goods may be landed at Galveston or Linnville, if imported direct from Europe, at a cheaper rate than they can be landed at Philadelphia, as our impost duty is much less than it is in the United States. From Galveston to Santa Fé is not more than 500 miles—From Philadelphia to Santa Fé it is more than 4000 miles. We have every advantage over the St. Louis trader, and only want a little energy to carry the plan into successful operation.<sup>56</sup>

Having made up his mind that the commerce and the natural wealth of the New Mexico country “would do more to revive the drooping finances than any financial theory that might be devised for a quarter of a century to come,”<sup>57</sup> Lamar laid before

<sup>55</sup> Miller, *Financial History of Texas*, 53.

<sup>56</sup> *Telegraph and Texas Register*, April 8, 1840; Bonnell, *Topographical Description of Texas*, 72-75.

<sup>57</sup> Lamar's Message to Congress, November 3, 1841, in *Lamar Papers*, Texas State Library; also in Republic of Texas, *Executive Records*, Book 39, p. 286.



Congress a suggestion that steps be taken to establish the necessary communication.<sup>58</sup> Here the political side of the Texan interests in New Mexico also entered as a factor. The greatest problem which had to be faced was that of opening the western terminals in Chihuahua and Santa Fé to the Texan traders, and this involved the occupation of the region by Texas. Lamar pointed out that the people of New Mexico living east of the Rio Grande were in reality citizens of Texas who had never been brought into direct relations with her government; and it was his feeling that, unless the government of Texas desired to relinquish its claim to jurisdiction over them, it was necessary that some steps be taken to assert that claim in an effectual manner.

The present moment seemed propitious, because of the revolutionary situation in Mexico as well as of the political situation in New Mexico itself. Both Park and Jones had indicated in their letters that the inhabitants of the upper Rio Grande region were dissatisfied with the government of Mexico, and that they would welcome an opportunity to identify themselves with the Texans. This impression was based upon the fact that a factional revolt had but recently culminated in New Mexico, as a result of which Manuel Armijo had become governor, and had virtually assumed the rôle of a tyrannical dictator.<sup>59</sup> The people naturally chafed under such rule and it should, therefore, not be difficult to bring about the necessary transfer of allegiance from Mexican authority to Texan. Texan officials strongly desired, however, that this change of allegiance should be made through the peaceable consent of the Mexican inhabitants of the region, in the hope that they could be improved gradually

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<sup>58</sup> Lamar's Message to Congress, November 12, 1839, in *Lamar Papers*, Texas State Library.

<sup>59</sup> Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II (1914), 19-36, 129-142. Bancroft, *History of Arizona and New Mexico*, 317, implies that Texan influences were responsible for this revolt, but there is no evidence which substantiates this point of view.

through association, and ultimately become valuable integrants of the agricultural population of Texas.<sup>60</sup>

*The Santa Fé commission of 1840.*—This session of the Texan Congress neglected to make any provisions for bringing about such a relationship, however, and Lamar was forced to fall back upon the resolution of January, 1839, which had authorized him to open a trade with the inhabitants along the Rio Grande. With this concession in his favor, he determined to send agents to Santa Fé for the purpose of preparing the way for an expedition which was to be sent out later. The proper person to entrust with this mission did not appear at once. But in April, 1840, William G. Dryden, a citizen of Santa Fé, was in Austin on a visit, and was introduced to Lamar as a former officer in the Mexican service who possessed information of a valuable character, and who knew the attitude of the people of New Mexico toward Texas.<sup>61</sup>

After a conference with Dryden, Lamar apparently reached the conclusion that the New Mexicans should be furnished some definite information concerning Texas. Accordingly, on April 14, 1840, he addressed to the citizens of Santa Fé a letter announcing the entry of Texas among the family of nations as a free republic. After sketching the auspicious future which awaited the new nation, he invited them to share the blessings which would accrue to those who had a hand in its establishment. A promise was made to send commissioners to Santa Fé as soon as possible, "to explain more minutely the condition of our Country, of the Seaboard and the co-relative interests which so emphatically recommend and ought perpetually to cement the perfect union and identity of Santa Fé, and Texas." These

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<sup>60</sup> Bee to Roberts, July 13, 1841, in Garrison (ed.), *Diplomatic Correspondence*, I, 500.

<sup>61</sup> Jack to Lamar, April 1, 1840, in *Lamar Papers*, Texas State Library. For a fuller discussion of Dryden's activities, see Binkley, "New Mexico and the Texan Santa Fé Expedition," *Southwestern Historical Quarterly*, XXVII (1923), 94-99.

commissioners were to be accompanied by a military escort which was to serve the double purpose of repelling any Indians which might be encountered, and of opening a route of communication between the two sections.<sup>62</sup>

Dryden was selected as the bearer of this message. He was also named as a commissioner for Texas, to coöperate with John Rowland and William Workman, two other citizens of Santa Fé, in looking after the Texan interests in the region, and in making an effort to induce the people to accept a change of government. Rowland and Workman were already in Santa Fé, and Dryden set out for that place immediately, going by way of New Orleans and St. Louis.<sup>63</sup> He carried with him, also, a letter of instructions to be followed by the commissioners. In this letter their aid was asked in explaining to the people the objects of the expedition, which it was then thought would reach Santa Fé in August. The inhabitants were to be assured of protection and of rights, privileges, and immunities equal to those enjoyed by the inhabitants of Texas itself, and were to be promised freedom from internal dissension, and security from foreign invasion. The Pueblo Indians were to be promised full rights of citizenship, and it was to be made clear that the Texan restrictions concerning Indians applied to barbarians only.<sup>64</sup>

Dryden arrived in Santa Fé in September, 1840, but found no opportunity of reporting to Lamar the progress of his work until the following spring. He was apparently busy, however, for in March he wrote:

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<sup>62</sup> Lamar to the Citizens of Santa Fé, April 14, 1840, in *Santa Fé Papers*, Texas State Library.

<sup>63</sup> Dryden to Lamar, April 29, 1840, in *Lamar Papers*, Texas State Library.

<sup>64</sup> Lipscomb to Dryden, Rowland, and Workman, April 14, 1840. A copy sent with the Santa Fé Expedition was confiscated by Mexican authorities, and is now in the Archivo General de Guerra y Marina, Mexico, Fracción 1, Legajo 1, Operaciones Militares, 1841-1842. A copy in the Bolton Transcripts, University of California, is dated 1841, but this is probably an error in copying, because the date is obviously wrong, since Lipscomb was not secretary of state of Texas in April, 1841.

Every American, and more than two thirds of the Mexicans, and all the Pueblo Indians, are with us, heart and soul; and whenever they have heard of your sending Troops, there has been a rejoicing: and indeed I have talked many times with the Governor, and he says he would be glad to see the day of your arrival in this country, as he feels well assured that no aid will be sent from below, as they have no means, and he himself will make no resistance.<sup>65</sup>

He urged haste in sending the proposed expedition, not only because of the kind reception awaiting it, but also because all the Indians of the region to be crossed would be occupied during the summer in a great meeting near Bent's Fort on the Arkansas River. He also suggested the extension of the boundary to include ten or twelve small villages northwest of the Rio Grande. The only opposition to be expected would probably come from the influence of the priests, and in such a case ammunition would be needed, since the supply in Santa Fé was low.<sup>66</sup> About a month later, he wrote again, urging the need of protective laws for the rich gold mines of the region, stating that there were prospects in New Mexico "of more mines than any district in the Mexican Republic."<sup>67</sup> These letters did not reach Austin, however, until late in the summer of 1841.<sup>68</sup>

Soon after he had succeeded in getting Dryden started on his mission to Santa Fé, Lamar turned his attention to a new project for securing the foreign trade which was deemed necessary in order that Texas might be able to carry out her side of the commercial relations which were being arranged. Commercial

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<sup>65</sup> It is difficult to reconcile this statement of the governor's attitude with later developments, but it is more than probable that he was merely trying to get all the information possible from Dryden.

<sup>66</sup> Dryden to Lamar, March 10, 1841, in *Santa Fé Papers*, Texas State Library; also Blackrode to Lamar, July 23, 1841, in *Lamar Papers*, Texas State Library. Dryden was afraid his report to Lamar would not reach its destination, and therefore he sent the same information to Thomas Blackrode, of Brazoria, Texas, with a request that it be forwarded to the president.

<sup>67</sup> Dryden to Lamar, April 18, 1841, in *Santa Fé Papers*, Texas State Library.

<sup>68</sup> *Austin City Gazette*, August 25, 1841.

treaties with the United States and with France already existed, and efforts were being made to effect such agreements with England and the Netherlands. Lamar now began the formation of plans to secure a treaty with Spain, in order that Texas might benefit commercially from the proximity of Cuba. If direct trade with Havana and other Spanish ports in the West Indies could be secured, the necessity of paying the double duties, freights, commissions, and profits which transportation by way of the United States demanded, would be obviated; and, at the same time, the loss experienced because of deterioration in the long shipment across the Atlantic would be avoided.<sup>69</sup>

Barnard E. Bee, who was now the Texan minister to the United States, was therefore instructed to approach the Spanish representative in Washington with a plan by which Texan mules, horses, cattle, beef, and cotton could be exchanged in Cuba for coffee, sugar, cigars, tobacco, and fruits, as a means of sending the Santa Fé trade through Texan ports, rather than by way of the United States.<sup>70</sup> Here again, delay entered, and it was not until 1842 that the Spanish government semi-officially gave its consent to the Texan-Cuban trade.<sup>71</sup> The fact that such consent was given, however, is a good indication that the plan was based upon sound principles.

In the meantime, the proposed expedition for which Dryden and his fellow commissioners were to prepare the inhabitants of Santa Fé failed to materialize as soon as had been expected. At the opening of Congress in the fall of 1840, therefore, Lamar renewed his efforts to secure action upon the question. He found the House apparently favorable. The first step was the colonization plan of November 9, mentioned above, and on the

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<sup>69</sup> Lamar's Message to Congress, November 1, 1840, in *Lamar Papers*, Texas State Library; also in Republic of Texas, *Executive Records*, Book 39, p. 207.

<sup>70</sup> Bee to Argaiz, February 27, 1841, in Garrison (ed.), *Diplomatic Correspondence*, I, 482-483.

<sup>71</sup> Amory to Jones, January 15, 1842, *ibid.*, I, 531-532.



same date, the committee on the state of the republic was instructed to investigate the need of an act to inform the inhabitants of Santa Fé of their privileges as citizens of Texas.<sup>72</sup> While this legislation sounded favorable, it actually amounted to little more than clogging the machinery, because the committees were given unlimited time in which to conduct their investigations, and many investigations were never completed.

Open opposition was soon met in the form of a group which demanded retrenchment in expenses in all the departments of government,<sup>73</sup> but Lamar managed to hold the upper hand until, on December 12, illness forced him to ask for permission to leave Texas for medical treatment. With Burnet as acting president, the question of hostilities with Mexico tended to obscure for a time that of a commercial expedition to Santa Fé.

Early in January, 1841, however, the Senate took up a measure providing for the opening of communication with Santa Fé and other western towns.<sup>74</sup> The committee on finance, to which it was referred, recommended its passage,<sup>75</sup> and on January 14, this recommendation was followed.<sup>76</sup> When the bill was submitted to the House, on the following day, a member of that body immediately introduced a bill authorizing the raising of volunteers to make an expedition to Santa Fé,<sup>77</sup> and on January 20, the committee on the state of the republic reported this bill as a substitute for the Senate measure.<sup>78</sup> On January 26, the Senate bill was defeated in the House,<sup>79</sup> and two days later the substitute measure was passed.<sup>80</sup> The Senate failed to agree

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<sup>72</sup> Tex. Cong., *House Jour.*, 5 Cong., 1 sess., 45.

<sup>73</sup> *Ibid.*, 181.

<sup>74</sup> Tex. Cong., *Senate Jour.*, 5 Cong., 1 sess., 107.

<sup>75</sup> *Ibid.*, 113, 130.

<sup>76</sup> *Ibid.*, 135.

<sup>77</sup> Tex. Cong., *House Jour.*, 5 Cong., 1 sess., 518.

<sup>78</sup> *Ibid.*, 555.

<sup>79</sup> *Ibid.*, 610.

<sup>80</sup> *Ibid.*, 634.

upon this bill, and on February 5 Congress adjourned without making any provision for the establishment of communication with Santa Fé.

Therefore, just as the republic, in its foreign relations, had, up to 1841, failed to secure a definite arrangement concerning the western boundaries, so also were its efforts at the actual occupation of the territory claimed thus far a failure. The Indians, the Mexican revolutionists, and lack of sufficient population had thwarted the attempts to establish commercial relations along the lower Rio Grande as a means of occupying the country. And in the upper Rio Grande region failure was due to a lack of concert between the president and Congress, together with the strained financial condition of the republic. But Lamar's vision had not yet vanished.

## CHAPTER IV

### THE TEXAN EXPEDITION TO SANTA FÉ, 1841

When the president returned to Texas in the spring of 1841, after his leave of absence, the prospects of establishing closer relations with Santa Fé were discouraging. Not only had Congress refused to enact the desired legislation, but, in addition, no word had been received from the commissioners who had been sent out a year earlier. Nevertheless he was undaunted. Instead of accepting the failure of Congress to act as an indication of opposition to his program, he chose to assume that, because of the absence of express disapproval, he was "left to set on foot the enterprise, whenever the condition of the country would justify it."<sup>1</sup> The receipt of a letter from Treat, written while he was attempting to secure recognition in Mexico and stating that the Mexican government believed that New Mexico had declared for independence as a result of coöperation from Texas, gave Lamar the idea that Mexico was not able to oppose his action.<sup>2</sup> Furthermore, communications from various parts of the republic were taken to indicate that the people of Texas were in favor of an expedition to Santa Fé.<sup>3</sup> Therefore, obviously impatient at the delay in hearing from Dryden, and evidently placing much faith in the previous unofficial reports concerning the favorableness of the New Mexican attitude, he decided to wait no longer.

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<sup>1</sup> Lamar's Message to Congress, November 3, 1841, in Republic of Texas, *Executive Records*, Book 39, p. 283; also in *Lamar Papers*, Texas State Library.

<sup>2</sup> Treat to Lamar, July 13, 1840, in Garrison (ed.), *Diplomatic Correspondence*, II, 669.

<sup>3</sup> Powell to Lamar, March 17, 1841; Fisher to Lamar, March 25, and April 6, 1841; Webb to Lamar, April 9, 1841; Love to Lamar, April 13, 1841; in *Lamar Papers*, Texas State Library.

*Raising and equipping the expedition.*—The fact that Congress had adjourned without making an appropriation to pay the regular army of the republic, made it necessary to disband the troops,<sup>4</sup> and in this Lamar found an opening. As he explained to the next session of Congress, since

there was left on hand a considerable supply of military equipage, and the means of transportation, it occurred to me that it was a favorable time to carry out this desirable and long contemplated expedition, inasmuch as, with these advantages, it could be done without embarrassing the country, and at an expense altogether trifling, when compared with the objects to be achieved.<sup>5</sup>

He now stated these objects, definitely. Taking up the commercial side first, he sketched the internal conditions of Texas, pointing out the fact that the expense of putting the new government into operation, together with the problem of protecting the frontier, had brought a monetary demand which was beyond the available resources of the country; that immigration had brought an adventurous, rather than a productive class; and therefore, with the small population, and the depreciated currency of the republic, the only solution which presented itself was the control of the commerce of Santa Fé.<sup>6</sup>

Then, turning to the political considerations involved, which, he said, were “vastly more deserving our attention and regard,” he reverted to the desire of the eighty thousand inhabitants of the region to throw off all connection with the Mexican government, and to turn to Texas. Unless Texas, then,

manifested some concern for their welfare, and opened the door for their admission into our common family, it would not only have shown to them a want of interest in their fate, but it would have justified their seeking relief in their alliance with some other people capable of affording it; and such alliance, under the circumstances, *might* be esteemed by the world as a full and complete bar to our pretensions to that country.

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<sup>4</sup> Tex. Cong., *House Jour.*, 5 Cong., 1 sess., 723.

<sup>5</sup> Lamar's Message to Congress, November 3, 1841, in *Republic of Texas, Executive Records*, Book 39, p. 284.

<sup>6</sup> *Ibid.*, 285–286.

To him the most imminent danger lay in the presence in New Mexico of so many well armed and energetic citizens of the United States, who would be ready, if invited,

to revolutionize it, and establish its independence upon as firm a footing, as we have established our own; and this once done, they have a government which goes to the Pacific, whilst we shall be left circumscribed within bounds larger it is true than San Marino, but less in affording the essential elements of protection.<sup>7</sup>

Volunteers for an expedition were requested, and merchants were promised that they would be furnished means of transportation and would receive military protection if they wished to venture their goods on the Santa Fé market. The disbanding of the regular army facilitated the work of recruiting. By the middle of May, 1841, six companies, with a total of 265 men and officers, had been raised.<sup>8</sup> Hugh McLeod, with a commission as brevet brigadier general, was placed in command.<sup>9</sup> George T. Howard was sent to New Orleans late in April for the purpose of purchasing necessary supplies, and his accounts of the proposed expedition, together with the notices which he posted, inviting volunteers, secured a few recruits there.<sup>10</sup> Among the recruits from New Orleans was George W. Kendall, editor of the New Orleans *Picayune*, who desired an opportunity to see the western country, and who became the historian of the expedition.<sup>11</sup> Kendall was permitted to accompany the party as a civilian with no responsibilities to the government, as was Thomas Falconer, an Englishman, whose object was to render service to science by investigating the topography and natural

<sup>7</sup> *Ibid.*, 286-288.

<sup>8</sup> *Telegraph and Texas Register*, January 26, 1842.

<sup>9</sup> McLeod to Lamar, June 17, 1841, in *Lamar Papers*, Texas State Library.

<sup>10</sup> Green to Thompson, April 26, 1842, in the Bolton Transcripts, University of California. For information concerning the nature and location of the material thus cited, see Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 227.

<sup>11</sup> Kendall, *Narrative of the Texan Santa Fé Expedition*, I, 14.



resources of a new region.<sup>12</sup> Commercial firms in New Orleans also showed their interest in the project by delegating representatives to accompany the expedition for the purpose of investigating the feasibility of opening a regular trade with Santa Fé, by way of Texas.<sup>13</sup>

In Texas, the individual motives for joining the party were also varied. In the first place, many citizens of the United States were in Texas on tours of investigation, and to them the possibility of returning home by way of Santa Fé and St. Louis presented attractions.<sup>14</sup> To a few it seemed to offer an opportunity of recovering their health,<sup>15</sup> while numerous others, some of them boys under twenty, joined for the sake of adventure.<sup>16</sup> They all were assured that the purpose of the expedition was friendly, that it had been invited by the inhabitants of Santa Fé, and that the object of the military force was to protect the traders from hostile Indians.<sup>17</sup> A small group of merchants agreed to furnish goods and to accompany the party in the capacity of traders. Others carried goods, but were forced by McLeod to enroll with the military contingent, with the understanding that they would be given their discharge when they

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<sup>12</sup> Falconer to Roberts, May 31, 1841, in *Santa Fé Papers*, Texas State Library. See also Falconer, "Notes of a Journey through Texas and New Mexico," in *Journal of the Royal Geographical Society of London*, XIII (1844), 206. I am indebted to Professor J. Fred Rippey, of the University of Chicago, for securing a copy of these "Notes" for me.

<sup>13</sup> Haines and Gordon to Thompson, May 3, 1842, in the Bolton Transcripts.

<sup>14</sup> Brenham and Cooke to Thompson, April 22, 1842, *ibid.*

<sup>15</sup> Blake to Thompson, April 23, 1842, *ibid.*

<sup>16</sup> Among the letters written by the Santa Fé prisoners in Mexico to Waddy Thompson, United States minister to that country, was one signed by twelve youths whose ages ranged from fifteen to nineteen years (Phillips and others to Thompson, April 29, 1842, *ibid.*). Matthew Caldwell, captain of one of the companies, was accompanied by his twelve year old son (Caldwell to Thompson, April 25, 1842, *ibid.*).

<sup>17</sup> Thompson to Bocanegra, May 6, 1842, enclosing numerous letters from the prisoners to Thompson, written during April and May, 1842, *ibid.* See also Reily to Webster, March 28, 1842, in Garrison (ed.), *Diplomatic Correspondence*, I, 549.

arrived at Santa Fé.<sup>18</sup> An effort was made by the merchants to bond the goods which were to be carried on the expedition, but this failed, and the government was thus relieved from assuming responsibility for their delivery.<sup>19</sup>

The organization of the party was not accomplished, however, without opposition. Some sections of the republic refused to take a part because of antagonism to Lamar, and because of the absence of congressional approval.<sup>20</sup> This situation also rendered it difficult to secure funds with which to purchase supplies and equipment. Orders were issued to the quartermaster and the commissary-general to make contracts for such materials as were needed, and they were required to approve the accounts, which were then endorsed by the president, and sent to be audited and paid. The auditor complied with this plan, but the comptroller refused, and it became necessary to direct the secretary of the treasury to instruct him to "open upon his books an appropriation for fitting out an expedition to Santa Fé."<sup>21</sup> Shortly afterward, however, the secretary of the treasury assumed direct supervision by ordering the comptroller to refer to him all requisitions which were not based upon a congressional appropriation.<sup>22</sup> This act of the president was criticized as unwarranted,<sup>23</sup> and as a matter of fact it was a transcending

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<sup>18</sup> Thickstun to Thompson, April 22, 1842; Butler to Thompson, April 27, 1842; Bickford to Thompson, April 30, 1842; Farley to Thompson, May 2, 1842; in the Bolton Transcripts. An official statement to the same effect was made in Brenham and Cooke to Thompson, April 22, 1842, *ibid.* Some allowance must be made in accepting these statements, however, since the letters were written for the purpose of securing freedom. But when considered in connection with the general plan of the expedition, the underlying facts can certainly be believed.

<sup>19</sup> *Telegraph and Texas Register*, July 7, 1841.

<sup>20</sup> Durst to Lamar, April 24, 1841, in *Lamar Papers*, Texas State Library; *Telegraph and Texas Register*, May 26, 1841.

<sup>21</sup> Lamar to Chalmers, March 24, 1841, in Yoakum, *History of Texas*, II, 323.

<sup>22</sup> Chalmers to Shaw, April 24, 1841, in *Comptroller's Papers*, Texas State Library.

<sup>23</sup> *Telegraph and Texas Register*, July 7, 1841.

of his constitutional authority. The quartermaster reported, however, that under the order \$78,421.51 was drawn from the treasury for the purchase of supplies, while \$17,290.09 was advanced to the soldiers, to be deducted from their final pay.<sup>24</sup>

The military force was officially designated as the "Santa Fé Pioneers," and in May it went into camp on Brushy Creek, near Austin, for the purpose of perfecting its final organization.<sup>25</sup> The original plan provided for the departure of the party during the first week in June, but delay in the arrival of supplies, together with the absence of final instructions, made this impossible.<sup>26</sup>

*Instructions to the commissioners.*—Meanwhile the president was arranging for the political aims of the mission. Three new commissioners—William G. Cooke, Richard F. Brenham, and J. Antonio Navarro—were named to accompany the expedition, and Dryden, of the former commission, was reappointed to serve with them when Santa Fé should be reached. Their instructions stated that the expedition had been organized for the purpose of opening communication "with that portion of the Republic known as Santa Fé, and of closely uniting it with the rest of the Republic, so that the Supremacy of our constitution and laws may be asserted equally over the entire tract of country embraced within our limits." It was explained that the chief object of the president was to bring the people of the region under the Texan system of government, to create in their minds a reverence for that government, and to spread among them a spirit of liberty and independence, in order that they

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<sup>24</sup> Cazneau to Archer, October 1, 1841, in *Army Papers*, Texas State Library.

<sup>25</sup> General Order No. 1, May 24, 1841, in *Order Book of the Texan Santa Fé Expedition*, Archives of Texas State Historical Association. This book was confiscated by Armijo when the expedition was captured, and remained in Santa Fé until 1898, when it was found by W. M. Tipton and presented to the Association. See Texas State Historical Association, *Quarterly*, III (1899), 154–155.

<sup>26</sup> McLeod to Lamar [not dated], in *Lamar Papers*, Texas State Library.

might be qualified to become good citizens. But because of the vast difference between the nature of the people of Texas and New Mexico, as well as the difference between their language, religion, laws, manners, and customs, it was expected that opposition would be encountered; therefore the commissioners were cautioned to use all possible patience and gentleness in their behavior.<sup>27</sup>

The benefits of allegiance to Texas were to be made manifest to the inhabitants, by contrasting "Mexico—feeble, distracted, and continually torn by civil wars and Revolutionary movements—with a load of debt, and no means of paying—with the advantages enjoyed by Texas." They were to be assured of the protection of the government in the enjoyment of life, liberty, and property, of trial by jury, of freedom from all taxes levied without their consent, of religious toleration, "and in short of all the political privileges contained in the Bill of Rights and constitution."

Upon entering Santa Fé, the commissioners were to attempt to get possession of all public property, and then select from among the citizens of the place such officers as seemed necessary to assist those already appointed by the president for conducting the affairs of government. If it seemed advisable, the citizens were to be urged to send not more than three of their own number as delegates to the next session of the Texan Congress, in order that the operations of the Texan system might be observed. Lamar's idea of the status of New Mexico with regard to the Texan government was indicated by a suggestion that "although these delegates will not be entitled to a vote on the floor of Congress, they will undoubtedly be permitted to occupy seats on it, and to speak upon any subject that may concern them."<sup>28</sup>

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<sup>27</sup> Roberts to Cooke, Navarro, Brenham, and Dryden, June 15, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 738.

<sup>28</sup> *Ibid.*, II, 739-740.

These instructions were based upon the supposition that the citizens themselves would offer no opposition to the Texans. If this expectation was not realized, the commissioners were told to use their own discretion. They were to keep in mind, however, that:

The President anxious as he is to have our National flag acknowledged in Santa Fé, does not consider it expedient at this time to force it upon that portion of the Republic. If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves that they will be supported by the mass of the people, no good result can come from risking a battle; for if our arms are successful, a strong Military force would be necessary to hold possession of the place, the cost of keeping which, to say nothing of other objections equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it are sufficiently apparent. In this case therefore, you will not be authorized to risk a battle. But if you are opposed by the troops of the Government of Mexico only, and the people are with you, or indifferent as to the result, the only question for your consideration will be your ability to beat them.<sup>29</sup>

No proposition was to be entertained which might in any way raise a question concerning the right of Texas to exercise jurisdiction over the region; therefore no arrangement for the admission of Texan goods, by which duties would have to be paid upon them, was to be made. On the other hand, since one of the objects of the expedition was to secure the benefits that would arise from trade with the inhabitants, the collector of customs was authorized to diminish the tariff to a lower rate than that established by Congress, if the necessity arose.<sup>30</sup>

The commissioners carried with them an address from Lamar to the people of Santa Fé and other portions of New Mexico east of the Rio Grande. In it he referred to the message which had been brought to them by Dryden, and stated that he was now fulfilling the promise, made at that time, to send an expedition to Santa Fé. After drawing a contrast between their condition

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<sup>29</sup> *Ibid.*, 740-741.

<sup>30</sup> *Ibid.*, 741-742.



under Mexican rule and what they could expect under Texas, he invited them to join the latter. He wished them to understand that:

This union, however, to make it agreeable to this Government, must be altogether voluntary on your part; and based on mutual interest, confidence and affection. Should you, therefore, in full view of the whole matter be willing to avail yourselves of this opportunity to secure your own prosperity, as well as that of your descendants, by a prompt, cheerful and unanimous adherence to the Government of this republic we invite you to a full and unreserved intercourse and communication with our Commissioners, who are instructed to extend to you every assistance and co-operation to effectuate the object desired; and, at the same time to assure you that your religion will in no wise be interfered with by this Government. The only change we desire to effect in your affairs, is such as we wrought in our own when we broke our fetters and established our freedom; a change which was worth the price we paid; and the blessings of which we are ready now to extend to you at the sacrifice of our own lives and fortunes, if you are ready to receive them; and if not we have ordered our Commissioners not to interrupt you in any of your rights, nor to disturb your tranquility, but to establish with you, if possible, such commercial relations as you may deem conducive to your own interests and then peaceably retire from your city.<sup>31</sup>

In addition to the joint instructions, Cooke was given what amounted to gubernatorial authority as a resident commissioner. He was to assume control as soon as the joint commissioners had accomplished the organization of Santa Fé, and was to allow the expedition to return to Texas, keeping only enough men to insure the safety of the Texan officials. But, since it was anticipated that so sudden a transfer of allegiance, where no treaty stipulations had been made, might plunge the New Mexican government into anarchy and confusion, he was cautioned to refrain as far as possible from making any changes in the existing form of government. All officials, however, who held

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<sup>31</sup> Lamar's Address to the People of Santa Fé, June 5, 1841, in Republic of Texas, *Executive Records*, Book 39, pp. 231-243. This message had apparently been prepared some months previously. In the *Lamar Papers*, Texas State Library, is a Spanish translation in rough draft, dated February, 1841, and another copy in finished form, also in Spanish, dated "Junio 5 de 1841." The last was evidently for the use of the commissioners.

their positions direct from the supreme government of Mexico, and in whose appointments the people of Santa Fé had no voice, were to be removed, especially if their removal was demanded by the inhabitants. Besides his executive functions, Cook was to supervise the judicial proceedings of the region, and to prevent any appeal to the higher courts in Mexico. The country was to be put in a state of defense as soon as possible, in order to prepare the inhabitants to repel "any attack which Mexico may hereafter make upon their liberties."<sup>32</sup> Brenham was also to remain in Santa Fé, as collector of customs for the district, with instructions to furnish money for the return of the expedition, and to defray other necessary expenses.<sup>33</sup>

So thoroughly convinced were the officials and the people of Texas that no opposition from the New Mexicans would be met, that the talk was almost solely of the commercial side of the expedition, and it appears doubtful whether military conquest was seriously contemplated at this time by any great number of Texans. Burnet's military desires had been ignored by Congress; furthermore, the small size of the force sent indicates that its only possible service would be as a military escort for protection against the bands of Indians which were known to infest the region to be crossed.<sup>34</sup>

Perhaps the best illustration of the attitude in Texas is a letter sent in care of the expedition by A. S. Thruston, a former

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<sup>32</sup> Roberts to Cooke, June 15, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 744-747.

<sup>33</sup> Chalmers to Brenham, June 14, 1841, confiscated by the authorities in New Mexico, and now in Archivo General de Guerra y Marina, Mexico, Frac. 1, Leg. 1. Op. Mil., 1841-1842. See Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 283. A summary is in the Bolton Transcripts.

<sup>34</sup> Kendall, *Narrative of the Texan Santa Fé Expedition*, I, 16, says: "The attempt to conquer a province, numbering some one hundred and fifty thousand inhabitants within its borders, was a shade too Quixotical to find favor in the eyes of the three hundred and twenty odd pioneers who left Texas, encumbered with wagons, merchandise, and the implements of their different trades and callings."

attorney general of the republic, to his brother in Santa Fé. Thruston himself had declined to join the party because he believed that it was starting too late in the season to complete the journey successfully. His impression of the objects of the expedition, as gathered from the current conversation of the Texans, was that it was "to induce the northern provinces to come under the jurisdiction of Texas, to establish commercial relations to divert the fur trade, and offer them forthwith representation in our Congress."<sup>35</sup> It was expected, in official circles, that part of the expedition would return in November, accompanied by the delegates who would be sent from New Mexico,<sup>36</sup> and the brother was urged to join this group. It is also interesting to note that as late as September, 1841, when it was known in Santa Fé that the expedition was on the way, American traders there predicted a ready submission on the part of the inhabitants; but they also feared that the force was too small to hold possession, even if it reached Santa Fé in good condition.<sup>37</sup>

*The march to New Mexico.*—After numerous delays in getting supplies, it was decided to make the start without many of the necessities for the journey, and on June 19, the order was given to the officers of the companies to hold their commands in readiness to take up the line of march on the following morning.<sup>38</sup> As the party left the Brushy Creek encampment on the morning of June 20,<sup>39</sup>

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<sup>35</sup> Thruston to Lucius F. Thruston, June 15, 1841, in the Bolton Transcripts. The finding of this letter among the papers of the expedition caused the arrest of the addressee in New Mexico (Kendall, *Narrative, etc.*, II, 67). See also Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 455.

<sup>36</sup> Roberts to Bee, June 21, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 92.

<sup>37</sup> *Niles' Register*, LXI, 100-101.

<sup>38</sup> General Order No. 5, June 19, 1841, in *Order Book of the Texan Santa Fé Expedition*, Archives of Texas State Historical Association.

<sup>39</sup> Roberts to Bee, June 21, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 91. Kendall, *Narrative of the Texan Santa Fé Expedition*,

The long train of wagons moving heavily forward, with the different companies of volunteers, all well mounted and well armed and riding in double file, presented an imposing as well as an animating spectacle, causing every heart to beat high with the anticipation of exciting incidents on the boundless prairies.<sup>40</sup>

The military contingent consisted of five companies of mounted infantry with 204 members, one artillery company of fifty members, and a general staff of eleven, making a total of 265 men. In the civilian group were the three commissioners, with a secretary and an interpreter, nine merchants who were exempted from military duty,<sup>41</sup> three tourists, seventeen drivers, and four Mexican servants, making a total of 303 members in the expedition.<sup>42</sup> There were twenty-four wagons drawn by oxen, to carry the supplies for the party, as well as the merchandise of the traders, which was valued at about \$200,000.<sup>43</sup>

The route decided upon extended almost directly northward from Austin to the Red River, then westward along the south bank of that stream. This meant a longer journey than if they went directly up the Colorado or the Brazos, but it was felt that not enough was known of the region beyond the headwaters of these rivers to justify taking the risk.<sup>44</sup> After six weeks of

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I, 71, says June 21, and this date has been generally accepted. But his notes on the expedition had been confiscated and, since his work was written three years later, largely from memory (*ibid.*, I, 114), it is likely that it contains minor errors.

<sup>40</sup> Kendall, *Narrative*, I, 72.

<sup>41</sup> Lamar to Riddle, January 27, 1844, in *Lamar Papers*, Texas State Library.

<sup>42</sup> Kendall, *Narrative*, I, 16, says, there were 320 members; but the figures given above are taken from *Telegraph and Texas Register*, January 26, 1842, which publishes a complete list of the men who had started on the expedition. Falconer gives the number as 304. The merchants were: T. A. Sully, T. Robinson, H. R. Buchanan, D. H. Snively, John C. Howard, J. H. Houghtalin, Archibald Fitzgerald, Thomas S. Torrey, and P. Gallagher. Most of these were citizens of the United States. See Webster to Thompson, April 5, 1842, in *Sen. Docs.*, 27 Cong., 2 sess. (Ser. 398), no. 325, p. 10; Mayer to Ellis, February 4, 1842, *ibid.*, 50-52.

<sup>43</sup> Kendall, *Narrative*, I, 71. For the value of the merchandise, see Vidaurri to Arista, May 5, 1841, in the Bolton Transcripts.

<sup>44</sup> Kendall, *Narrative*, I, 118-119.

difficult travel, delayed by lack of water, and the necessity of sending back to the settlements for additional cattle for beef, the Red River country was reached on July 30, by which time the members of the expedition had expected to be in Santa Fe.<sup>45</sup>

When the party turned westward along what it supposed to be Red River, Carlos, a Mexican who was in one of the companies, informed the officers that he had trapped up and down the stream and knew the country from there to Santa Fé.<sup>46</sup> His services as a guide were accepted, and on August 10, he stated that San Miguel, in New Mexico, was only about eighty miles distant.<sup>47</sup> On the following day, therefore, McLeod decided to dispatch to that place three men who were to send back provisions.<sup>48</sup> One of them, Samuel Howland, was given a letter addressed to Dryden, informing him of his reappointment as a commissioner, and asking him to meet the other commissioners at San Miguel for the purpose of consulting upon the policy to be pursued. Accompanying the letter were six handbills of Lamar's proclamation, printed in Spanish; these Dryden was to make public at his own discretion.<sup>49</sup>

Four days later Carlos and a companion disappeared, leaving the expedition without a guide.<sup>50</sup> The advance was continued, however, until, on August 29, the Palo Duro was reached. During the latter part of this advance the Texans were continually harassed by bands of Indians who spoke Spanish,<sup>51</sup> and

<sup>45</sup> *Ibid.*, I, 84-118.

<sup>46</sup> *Ibid.*, I, 131.

<sup>47</sup> *Ibid.*, I, 162.

<sup>48</sup> Brenham and Cooke to Roberts, November 9, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 778.

<sup>49</sup> Van Ness to Dryden [not dated], in the Bolton Transcripts.

<sup>50</sup> Kendall, *Narrative*, I, 183-184. Crane, *Life and Literary Remains of Sam Houston*, 134, intimates that this guide was in the pay of the Mexican government, while Kendall believes him to have made an honest mistake. The man arrived in New Mexico in advance of the expedition, however, and gave definite information of its coming. Armijo to Condé, September 22, 1841, in the Bolton Transcripts. There is no evidence that he received pay, although Armijo says that he was in the employ of the expedition "for the laudable purpose of giving information."

<sup>51</sup> Kendall, *Narrative*, I, 195-215.



who were undoubtedly acting under directions from officials in New Mexico.<sup>52</sup> At this point the apparent impossibility of proceeding farther with the wagons, together with the fact that the supplies were practically exhausted, led to a decision to divide the party.<sup>53</sup> It was still believed that the settlements were not far away, and an advance party was detailed to hasten forward and send back provisions and information, while the main division remained at "Camp Resolution."<sup>54</sup>

The detachment of about one hundred men started forward on August 31, and with it went Commissioners Brenham and Cooke.<sup>55</sup> Mora, about one hundred miles east of Santa Fé, was reached on September 11, and here the Texans learned definitely of their position. Messengers were sent back to the main division with instructions to abandon the wagons and proceed as rapidly as possible to that place, and new messengers were also sent forward to meet Dryden at San Miguel. The last group arrived in San Miguel in time to see Howland and one of his companions shot, and they then realized that the New Mexican officials, and not Dryden, had received their communications.<sup>56</sup> Now, also, came abundant evidence that the inhabitants of New Mexico were not in the receptive mood which they expected.

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<sup>52</sup> See Armijo to Ulibarri, August 1, 1841, in the Bolton Transcripts. Ulibarri was told to encourage the Indians to oppose the Texans as much as possible by attacking any small party which might leave the main force, and by stealing or burning their supplies.

<sup>53</sup> Brenham and Cooke to Roberts, November 9, 1841, in Garrison (ed.), *Diplomatic Correspondence*, Texas, II, 778; also Kendall, *Narrative*, I, 210.

<sup>54</sup> McLeod's address to the members of the expedition, September 1, 1841, in *Order Book of the Texan Santa Fé Expedition*, Archives of Texas State Historical Association.

<sup>55</sup> Kendall, *Narrative*, I, 212.

<sup>56</sup> *Ibid.*, I, 303-305; Brenham and Cooke to Roberts, November 9, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 778. Read, *Illustrated History of New Mexico*, 404, makes the interesting assertion that the story of the killing of Howland and Baker "is one of the many fabrications which the fertile mind of some historians have consigned to history in detriment of truth and justice."

*The reaction to the expedition in New Mexico.*—As a matter of fact, the officials in New Mexico had managed to keep themselves fairly well informed concerning affairs in Texas, and while Lamar was engrossed in his plans for western commercial extension, Governor Armijo was busily scheming to counteract any influence which might induce his subjects to effect his overthrow. Because of rumors of the coming of a Texan expedition in 1839, he made strenuous efforts to impress upon the central government at Mexico City the necessity of placing larger forces in his department,<sup>57</sup> and was promised assistance if the danger became imminent.<sup>58</sup> During March of the following year, he reported that a force of five hundred Texans was coming by way of Taos, with the intention of taking possession of New Mexico.<sup>59</sup> In June, he was sure that their arrival had been delayed until September, and he urged the government to take advantage of the delay to send troops to meet them when they did come. He stated that the people of New Mexico could not be counted upon for coöperation, because they desired an opportunity to join the Texans, hoping to secure better conditions.<sup>60</sup> That this was especially true of Taos is indicated by the fact that it soon became necessary to check there a plan for revolt among the lower classes.<sup>61</sup> Armijo used this as a basis for a new appeal for aid, and, at the same time, sent such information as he had to the governor of Chihuahua, stating that the Texans

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<sup>57</sup> Armijo to Minister of War, August 18, 1839, in the Bolton Transcripts. For information concerning the location of this and other material similarly cited below, see Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 281-284. Armijo's information was derived from the Columbia (Mo.) *Patriot*, April 13, 1839, which professed to see an effort to establish Texan jurisdiction over New Mexico in an expedition under Colonel Karnes against the Comanches.

<sup>58</sup> Minister of War to Armijo, October 31, 1839, in the Bolton Transcripts.

<sup>59</sup> Armijo to Minister of War, March 18, 1840, *ibid.*

<sup>60</sup> Armijo to Minister of War, June 17, 1840, *ibid.*

<sup>61</sup> Armijo to Minister of War, July 12, 1840, *ibid.*

might also be directing their drive against that department.<sup>62</sup> With this danger to face, he also felt constrained to give up a projected campaign against the Navajo Indians, and to make an unfavorable treaty with them.<sup>63</sup> He soon received word from Mexico City that, although troops could not be sent, \$5000 was being forwarded to him, and with this money he was to raise all the troops possible and keep the department in a state of defense.<sup>64</sup>

The failure of the Texans to arrive in 1840 reassured him, but he continued his watchfulness; and in April, 1841, he reported that he was still taking measures for the defense of his department.<sup>65</sup> Through communications with the Comanche Indians, he learned, in May, that an expedition was actually being organized in Texas, and that the Navajo Indians had sent agents to the Texans for the purpose of making an alliance. The Comanches thought that the expedition would come in two groups; one by way of the Pecos River, and the other directly across the country from the Colorado River.<sup>66</sup> This news was at once transmitted to Mexico City, together with a statement that, unless he could receive assistance, his only recourse would be to flee with the few officials who remained loyal.<sup>67</sup>

The Mexican government had received so many messages of alarm from Armijo during the past two years that it apparently failed to take his reports seriously until it began to receive similar information from other sources. General Mariano Arista, who was in command of the Mexican forces along the lower Rio Grande, kept agents in Texas to watch developments, and early in May, Santiago Vidaurri, one of these agents,

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<sup>62</sup> Vigil to Condé, July 12, 1840, *ibid.*

<sup>63</sup> Armijo to Minister of War, July 19, and July 31, 1840, *ibid.*

<sup>64</sup> Minister of War to Armijo, July 25, 1840, *ibid.*

<sup>65</sup> Armijo to Minister of War, April 23, 1841, *ibid.*

<sup>66</sup> Lovato to Armijo, May 31, 1841, *ibid.*

<sup>67</sup> Armijo to Minister of War, June 3, 1841, *ibid.*

reported fully concerning the plans for a commercial expedition from Texas to Santa Fé.<sup>68</sup> This information was speedily dispatched to the central government, and to the military officials in Durango, Chihuahua, and New Mexico.<sup>69</sup> F. Garcia Condé, the governor of Chihuahua, received the news from Armijo and from Arista at about the same time, and he at once added his voice to Armijo's in a plea for assistance from the capital. He reported a need for soldiers, ammunition, and funds, unless Mexico was ready to abandon her northern frontier, and stated that neither the citizens nor the Indians of New Mexico could be counted upon for defense.<sup>70</sup>

With such information coming from so many sources, the government decided that the time for action had arrived. The minister of finance ordered that the sum of five thousand dollars be set aside each month from the customs house receipts of Mazatlan, for the purpose of paying the expense of defending New Mexico.<sup>71</sup> Condé was informed that aid and ammunition would be sent as speedily as possible, but that, pending their arrival, he should do what he could to help Armijo.<sup>72</sup> Armijo himself was given definite instructions. He was told that, although the report from Arista indicated the purpose of the expedition to be commercial, he was to allow no relations to be established with it by New Mexicans. Therefore, in view of the fact that the attitude of the people was favorable to the foreigners, it was deemed essential that the Texans should be met before they could approach near enough to enter into intrigues with the inhabitants of the department.<sup>73</sup>

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<sup>68</sup> Vidaurri to Arista, May 5, 1841, *ibid.*

<sup>69</sup> Arista to Minister of War, May 11, 1841, *ibid.*

<sup>70</sup> Condé to Minister of War, June 21, 1841, *ibid.*

<sup>71</sup> Canseco to Minister of War, July 10, 1841, *ibid.*

<sup>72</sup> Minister of War to Condé, July 12, 1841, *ibid.*

<sup>73</sup> Minister of War to Armijo, July 12, 1841, *ibid.*

Condé acted at once. On July 27, he reported that he had provided fifteen thousand dollars for Armijo, and would send troops, arms, and ammunition.<sup>74</sup> On the following day, he issued a lengthy proclamation, in which he denounced the Texans as raiders, wanderers, and traitors, and called upon the people of Chihuahua to rise against the invasion, whether it was directed against them, or against New Mexico. Copies of this proclamation were sent to New Mexico, to encourage the authorities there, and other copies to Mexico City, to be published in the newspapers for the purpose of arousing public opinion.<sup>75</sup> Spies were sent out along the eastern frontier to forewarn him should the expedition happen to approach the Mexican settlements by way of the road between El Paso and Presidio del Norte.<sup>76</sup>

Arista, also, was keeping in touch with the developments in Texas, and during July he learned definitely of the departure of the expedition from Austin. His informant also stated that a request had been sent from New Mexico for a copy of the Texan laws, in order that the New Mexican commercial regulations might be changed to fit the Texan point of view.<sup>77</sup> When this information reached Mexico City, Arista was told that plans were already made for meeting the situation, but that it was believed that the expedition would be broken up before it reached its destination.<sup>78</sup>

In the meantime, Armijo was making extensive preparations in New Mexico. Such subordinates as could be trusted were assigned specific tasks.<sup>79</sup> Antonio Sandoval was told to watch

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<sup>74</sup> Condé to Minister of War, July 27, 1841, *ibid.*

<sup>75</sup> Condé to Minister of War, July 31, 1841, enclosing a copy of the proclamation, *ibid.*

<sup>76</sup> Condé to Minister of War, August 3, 1841, *ibid.*

<sup>77</sup> Uribe to Arista, July 25, 1841; Arista to Minister of War, August 1, 1841, *ibid.*

<sup>78</sup> Santa Anna to Arista, August 5, 1841, *ibid.*

<sup>79</sup> Armijo to Minister of War, August 4, 1841, *ibid.*



for intrigue among the Pueblo Indians, and to see that no one left the department until new instructions were issued.<sup>80</sup> To Juan F. Ortiz was delegated the task of arousing among the people a spirit of opposition to the Texans.<sup>81</sup> Mariano Chaves was ordered to be ready to assume command of part of the troops,<sup>82</sup> and two scouting parties were to be sent out to the east. One of these, under Santiago Ulibarri, was to watch the northern section of the frontier, and to persuade the Indians to harass the expedition as much as possible.<sup>83</sup> The other, under Damasio Salazar, was to guard the approaches by way of the Pecos River, and to obtain information concerning other points where the expedition might be likely to come.<sup>84</sup> Both Ulibarri and Salazar were authorized to offer a prize of one hundred dollars to the first man who should give definite information as to the approach of the Texans.

Armijo's fear of opposition from the lower classes was increased by the information from Arista that the Texans had been invited to New Mexico, and he at once demanded of Juan A. Archuleta, the prefect of Santa Fé, a statement as to the truth of the reports that these people desired to unite with Texas.<sup>85</sup> Two weeks later he ordered the arrest of Archuleta, and of Felipe Sena, a former prefect, on the charge of sympathy with the Texans; but they proved their innocence.<sup>86</sup> Before the end of August, Ulibarri reported that he had seen a letter to Ceran St. Vrain, a trader at Bent's Fort, which stated that the Texans would arrive in September. But along with this infor-

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<sup>80</sup> Miranda to Sandoval, August 1, 1841, *ibid.*

<sup>81</sup> Miranda to Ortiz, August 1, 1841, *ibid.*

<sup>82</sup> Armijo to Chaves, August 1, 1841, *ibid.*

<sup>83</sup> Armijo to Ulibarri, August 1, 1841, *ibid.*

<sup>84</sup> Armijo to Salazar, August 2, 1841, *ibid.*

<sup>85</sup> Armijo to Archuleta, August 2, 1841, *ibid.*

<sup>86</sup> Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II (1914), 144-145.

mation was also a statement that, unless the lower classes in the northern part of the department were attracted materially, rather than politically, they would be ready to join the Texans.<sup>87</sup>

Early in September, Carlos and his companion arrived in Taos, and the information which they gave concerning the expedition was immediately conveyed to Armijo.<sup>88</sup> At about the same time, Howland and his companions reached San Miguel, and were captured. But Armijo was ready to act. Because of his suspicion that the United States citizens in New Mexico were interested in the success of the Texans, he had aroused opposition to them among the loyal element of the New Mexicans. On the receipt of news of the nearness of the expedition, violence against them seemed certain, and on September 14, Manuel Alvarez, the United States consul at Santa Fé, appealed to the governor to take steps toward insuring the protection of American citizens, in case of trouble.<sup>89</sup> He was informed that protection could be expected, but that he would be held responsible for any breach of neutrality on the part of the Americans in favor of the Texans.<sup>90</sup> Two days later, he was warned that neither himself nor any other foreigners should make an effort to leave New Mexico, under any pretext.<sup>91</sup> On the same day the consul's house was attacked by a group of Mexicans, under the leadership of Armijo's nephew, and as a result, thirteen citizens of the United States drew up an appeal to their government to interfere.<sup>92</sup>

By this time information had reached Santa Fé concerning the approach of the advance party of Texans, and on Septem-

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<sup>87</sup> Ulibarri to Armijo, August 26, 1841, in the Bolton Transcripts.

<sup>88</sup> Armijo to Condé, September 22, 1841, *ibid.*

<sup>89</sup> Alvarez to Miranda, September 14, 1841, in Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II (1914), 145.

<sup>90</sup> Miranda to Alvarez, September 14, 1841, in Read, *Illustrated History of New Mexico*, 398.

<sup>91</sup> Armijo to Alvarez, September 16, 1841, *ibid.*, 399.

<sup>92</sup> Scolly and others to Webster, September 16, 1841, *ibid.*, 399-400.

ber 18, Armijo issued a proclamation expressing his confidence that the well-known lenity of the Mexican government would prevent any treachery on the part of his subjects. He called upon them to prove their patriotism, loyalty, and faithfulness to their government by flocking to the national standard to prevent the loss of their religion, country, and possessions,<sup>93</sup> and before the emotional effect of this appeal had subsided, he had set out with an army to meet the Texan "traitors."

*Failure of the enterprise.*—A detachment of Armijo's army, under Salazar, met the advance party of Texans at Anton Chico, on September 17, and through the treacherous agency of Captain William P. Lewis, one of the messengers whom the Texans had sent to San Miguel to meet Dryden, the force surrendered without offering resistance.<sup>94</sup> Such property as they had was confiscated and distributed among those who had taken part in the capture, and the prisoners were started off on foot for Mexico City, under an escort in command of Salazar.<sup>95</sup>

In the meantime, the main division of the expedition was slowly advancing, broken down by privations, and totally unprepared for fighting. Early in October, they were met at Laguna Colorado by Armijo. The services of Lewis were again employed, and McLeod surrendered.<sup>96</sup> Thus without striking a blow, or firing a shot, the entire expedition fell into the hands of the man whose rule it had been authorized to supersede. This second group of prisoners was started toward Mexico City in the wake of the advance party. Both groups, until the juris-

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<sup>93</sup> *Ibid.*, 402-403; Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II (1914), 146-147.

<sup>94</sup> Kendall, *Narrative*, I, 324-326.

<sup>95</sup> Armijo to Condé, September 22, 1841, in the Bolton Transcripts.

<sup>96</sup> Kendall, *Narrative*, I, 340; Falconer, "Notes of a Journey through Texas and New Mexico," *Journal of the Royal Geographical Society of London*, XIII (1844), 213-215. Falconer says October 4; Kendall, October 9. The exact date cannot be determined, although Falconer was with this party while Kendall was in San Miguel at the time.

diction of New Mexico had been left behind, were treated with great cruelty.<sup>97</sup> On their arrival at El Paso, Salazar was placed on trial for the murder of prisoners who had been put under his care, and was sent back to New Mexico.<sup>98</sup> From El Paso southward, they fell into more humane hands, the principal difficulty being the lack of an opportunity to rest. This was because of the arrangements of the Mexican government, by which the officials in each department through which they had to pass were to be responsible for their conveyance and sustenance; therefore each wished to be rid of them as soon as possible.<sup>99</sup> When Chihuahua was reached they found Dryden under arrest, and the leaders were forced to testify concerning his part in the expedition.<sup>100</sup>

Armijo had forwarded a message to the government at Mexico City, announcing his "two great victories over the Texan

<sup>97</sup> Kendall, *Narrative*, I, 269 ff.; II, 11-33. Bancroft, *History of Arizona and New Mexico*, 324-326, questions the veracity of Kendall's account, but Falconer quotes the following from the Mexican newspaper *El Siglo XIX*: "Captain D. Demasio Salazar had the iniquity to kill three persons in cold blood, because they had become wearied. It was reserved for Salazar to eclipse the triumph of Señor Armijo by this cruel and brutal action. Every one is indignant at such an atrocious act, peculiar only to savages. Don José Maria Elias, colonel of the army and commandant at Paso del Norte, is preferring charges against this barbarous captain; and Señor Condé, governor of the department (of Chihuahua), is mortified by an event which does so little honour to Mexicans." *Journal of the Royal Geographical Society of London*, XIII (1844), 219.

<sup>98</sup> Condé to Minister of War, November 22, 1841, in the Bolton Transcripts.

<sup>99</sup> See Heredia (Durango) to Minister of War, December 10, 1841; Tranco (Zacatecas) to Minister of War, December 10, 1841; Juvero (Querétaro) to Minister of War, December 21, 1841; and Liceaga (Guanajuato) to Minister of War, December 31, 1841, *ibid.*

<sup>100</sup> Kendall, *Narrative*, II, 76-78. Copies of the testimony of McLeod, Cooke, Brenham, Navarro, and Van Ness, are in the Bolton Transcripts. Dryden proved himself to be a citizen of the United States, and was eventually released. Rowland and Workman had gone to California, and Armijo, acting upon the supposition that they were there under instructions from President Lamar, desired to have them killed wherever they were found. Armijo to Condé, September 22, 1841, *ibid.*; also Brenham and Cooke to Roberts, November 9, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 782.

invaders,"<sup>101</sup> and the information was received with joy. The *Diario el Gobierno*, of November 20, 1841, said:

A handful of brave men of the Department of New Mexico, has been able to destroy the terrible expedition to Santa Fé, and annihilate at one stroke the sordid and ambitious calculations of Texas adventurers. . . . The expedition to Santa Fé, consider it in what light you please, has been the most Quixotic ever undertaken. Happily, the patriotic people of New Mexico, and the valiant General Armijo, have triumphed. . . . The failure of the Texian expedition, and the success of the last revolution in Mexico have re-animated public spirit in every department of Anahuac. The Mexican nation is now resolved, and its present rulers are fully determined to recover the territory wrested from us by the Texians. Mexico is resolved that its former limits shall be re-established without the loss of an inch.<sup>102</sup>

Plans were made to receive the prisoners in Mexico City, and it was arranged that after a rest of three days they were to be put to work on the streets.<sup>103</sup> On their arrival, all who could claimed allegiance to other governments than Texas,<sup>104</sup> and were released upon the intervention of their respective governments.<sup>105</sup> The Texans were imprisoned for various lengths of time, Navarro, the last of them, escaping in 1845.<sup>106</sup> Brenham and Cooke sent their official report to their government in November, 1841, from Allende, in Chihuahua, while on the way to the capital,<sup>107</sup> but the Texan government did not receive its first

<sup>101</sup> Rives, *The United States and Mexico*, I, 483.

<sup>102</sup> *Telegraph and Texas Register*, December 22, 1841, quoted from *New Orleans Bulletin*.

<sup>103</sup> Vieyra to Minister of War, December 19, 1841, in the Bolton Transcripts.

<sup>104</sup> Most of them proved their right to the protection of the United States. Webster to Ellis, February 4, February 9, February 26, and March 10, 1842, in *Sen. Docs.*, 27 Cong., 2 sess. (Ser. 398), no. 325, pp. 5-7. See also numerous letters written by prisoners to Powhatan Ellis, United States minister to Mexico, *ibid.*, 55-60, and letters to Waddy Thompson, who succeeded Ellis, in the Bolton Transcripts.

<sup>105</sup> A list of the prisoners, arranged according to their nationality, is in the Bolton Transcripts. An incomplete list is given in *Sen. Docs.*, 27 Cong., 2 sess. (Ser. 398), no. 325, pp. 52-55.

<sup>106</sup> Rives, *The United States and Mexico*, I, 484.

<sup>107</sup> Brenham and Cooke to Roberts, November 9, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 777-783.



authentic information concerning the fate of the expedition until the following January.<sup>108</sup>

*The Texan reaction to the expedition.*—In Texas, itself, during the period immediately following the departure of the expedition, the question of its advisability became a campaign issue. A presidential election was coming in September, and in the absence of distinct political parties, the voters aligned themselves according to their opinion of the policies of the administration. David G. Burnet was the administration candidate; Sam Houston was his opponent.<sup>109</sup> Houston's supporters attacked the Santa Fé project from every possible angle, criticizing especially its extravagance, and its lack of congressional sanction. Early in August, the friends of the administration felt that they were successfully combating these attacks, and they hoped for news of the success of the expedition before the election. This would remove opposition, and bring victory for Burnet, who was expected to continue Lamar's policy.<sup>110</sup> In the eastern part of the republic, which was the Houston stronghold, the expedition was looked upon as a national outrage, and this sentiment seemed to be spreading.<sup>111</sup> Dryden's letters from Santa Fé reached Austin during the campaign and were immediately published;<sup>112</sup> but the favorable outlook which they presented apparently did little to change the attitude of the people toward the administration. Houston was elected, receiving three-fourths of the votes cast,<sup>113</sup> and the Congress which was chosen was not in sympathy with Lamar.

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<sup>108</sup> Yoakum, *History of Texas*, II, 341.

<sup>109</sup> *Ibid.*, II, 331.

<sup>110</sup> Hall to Lamar, August 8, 1841, in *Lamar Papers*, Texas State Library.

<sup>111</sup> Kaufman to Miller, August 15, 1841, in *Miller Papers*, Texas State Library.

<sup>112</sup> *Austin City Gazette*, August 25, 1841.

<sup>113</sup> Yoakum, *History of Texas*, II, 332. This vote cannot be accepted as a basis for judging the sentiment on the Santa Fé expedition, since there were other issues. Houston's personal influence in Texas must also be taken into consideration.

When this Congress met, in November, 1841, no definite information had been received concerning the outcome of the expedition to Santa Fé. Rumors had begun to arrive, however, and in October, one of the newspapers contained an account, taken from a Monterey paper, to the effect that the commissioners had been cordially received in Santa Fé.<sup>114</sup> A week later, it stated that new rumors indicated that the party had turned back before reaching its destination.<sup>115</sup> Lamar was still in office, and in his annual message he explained in detail his reasons for sending out the expedition.<sup>116</sup> The members of Congress were not willing to accept this explanation, however, and special committees were appointed to investigate the amount of expenditure which had been thus illegally made. In both houses, severe censure was directed against him for fitting out the party without authority from Congress, and a movement was begun to prohibit the payment of any bills or drafts that might be presented as a result of the expedition.<sup>117</sup> The House committee of investigation reported on December 6, placing the expenditure at \$89,549.69, and condemning Lamar's policy.<sup>118</sup> No definite action was taken by Congress, however, and about the same time, unofficial news of the capture of the expedition reached Texas by way of New Orleans.<sup>119</sup>

As new information continued to come in, a little at a time, the Texans gradually realized that the project had actually failed. And when, on January 18, 1842, a letter from Alvarez,

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<sup>114</sup> *Telegraph and Texas Register*, October 20, 1841.

<sup>115</sup> *Ibid.*, October 27, 1841.

<sup>116</sup> Lamar's Message to Congress, November 3, 1841, in *Republic of Texas, Executive Records*, Book 39, pp. 283-288.

<sup>117</sup> *Telegraph and Texas Register*, November 24, 1841. As late as 1849, the members of the party had not received payment for their services, and an effort was made at that time to have their claims included in the public debt of the republic. See Bell's Message to the Legislature, December 26, 1849, in *Tex. Legis., Senate Jour.*, 3 *Legis.*, 303.

<sup>118</sup> *Austin City Gazette*, December 15, 1841.

<sup>119</sup> *Telegraph and Texas Register*, December 8, 1841, taken from the *New Orleans Bulletin*.

the United States consul at Santa Fé, gave an accurate account of the surrender of the party, and of the treatment of the prisoners,<sup>120</sup> opposition was forgotten in the desire for revenge. As one of the first steps, the Texan Congress passed an act extending the boundaries to include the Mexican states of Chihuahua, Sonora, New Mexico, and the two Californias, and portions of the states of Tamaulipas, Coahuila, Durango, and Sinaloa—more than half of the territory of the Mexican republic.<sup>121</sup>

President Houston, who had assumed office in December, vetoed the bill on the ground that, inasmuch as it was an assumption of a claim utterly impossible to realize, it would never be considered seriously by other nations. He referred also to the danger that such a measure might check the interest of Great Britain in securing mediation between Texas and Mexico, as well as arouse concerted opposition in Mexico itself, and place the Santa Fé prisoners in still greater peril.<sup>122</sup> He succeeded in curbing the sentiment, and the Texans were forced to accept the failure and wait for further developments.

Although the expedition had failed to accomplish its purpose, it could hardly be said to merit the term "wild goose campaign" which Andrew Jackson bestowed upon it, because the idea behind it was apparently sound. The immensity of the task which had been undertaken largely explains its failure. The success of the trade over the Santa Fé trail had furnished the incentive, but the Texans faced difficulties which the traders from the United States had not been forced to meet. In the first place, long before the first wagon started from St. Louis

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<sup>120</sup> See Austin *Daily Texian*, January 18, 1842; *Telegraph and Texas Register*, January 19, 1842.

<sup>121</sup> Yoakum, *History of Texas*, II, 343. See also Elliot to Aberdeen, June 12, 1845, in Adams (ed.), "British Correspondence Concerning Texas," *Southwestern Historical Quarterly*, XX (1916), 176.

<sup>122</sup> Houston's Message to the House, February 1, 1842, in Republic of Texas, *Executive Records*, Book 40, pp. 32-33.

to Santa Fé, the route which was to be followed had been clearly defined.<sup>123</sup> The Texan expedition started out with wagons over a country concerning which not a man in the party possessed any definite information. Because of this lack of knowledge, the Texans were not sufficiently prepared for the hardships they encountered; consequently, the enterprise failed without its members ever reaching their destination.

Besides this difficulty, the political situation was different. In the case of the earlier traders from St. Louis, little opposition was to be expected from Mexico because of the fact that the declaration of independence from Spanish rule had just been issued, and Mexico was seeking for recognition by the United States. The Spanish policy of intolerance of foreigners had therefore been reversed.<sup>124</sup> But, in the case of the Texans, the Mexican government was concerned with the subjugation of a revolutionary state, and its officials were on the alert to check any apparent invasion. This the officials in Texas had, in part, failed to recognize.

Of equal importance was the fact that the power of Governor Armijo over his subjects had been vastly underestimated. The Texan commissioners had been sent to Santa Fé on a peaceable mission to treat with the people themselves; could this have been done, it is probable that the New Mexicans would have been willing to at least take a part in the overthrow of the governor. But his autocratic control had enabled him to thwart the possibility of accomplishing this purpose; and in doing this, he had led his subjects to believe that the expedition was directed against them. As a consequence, the failure of the commis-

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<sup>123</sup> For an account of the more important explorations, see Chittenden, *American Fur Trade of the Far West*, II, 489-501. William Becknell, who, in 1822, took the first wagons over the Santa Fé trail, had been over the route during the previous year. Stephens, "Missouri and the Santa Fé Trade," *Missouri Historical Review*, XI (1917), 291-294.

<sup>124</sup> Stephens, "Missouri and the Santa Fé Trade," *Missouri Historical Review*, X (1916), 237.

sioners to get into proper communication with the inhabitants of New Mexico had left the latter with the impression which Armijo desired, namely, that the Texans intended to burn, kill, and destroy.<sup>125</sup> The outcome was a change of attitude on the part of the New Mexicans from one of nominal indifference, at times perhaps leaning toward friendliness, to one of antipathy; and here was the beginning of a united opinion adverse to any Texan encroachments.<sup>126</sup>

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<sup>125</sup> Kendall, *Narrative*, I, 272.

<sup>126</sup> For a more recent account of certain phases of the expedition see Binkley, "New Mexico and the Texan Santa Fé Expedition," *Southwestern Historical Quarterly*, XXVII (1923), 85-107.



CHAPTER V

FINAL EXPANSIONIST EFFORTS OF THE REPUBLIC,  
1841-1845

From the point of view of territorial activities in Texas, the four years from the failure of the Santa Fé expedition to annexation to the United States may be characterized as a prolonged effort to overcome the effects of that failure. The most emphatic results of the expedition were to be felt indirectly by the republic. In the first place, its financial standing in Europe was lowered as a consequence of this evidence of inability to occupy the territory claimed by the government, and a damper was placed on the confidence which had been growing, especially in France, in its power to maintain its independence. This naturally checked not only credit, but also immigration.<sup>1</sup> In the United States the reaction to the stories which reached the people concerning the brutal treatment of the prisoners was decidedly favorable to Texas, and Waddy Thompson was appointed as minister to Mexico with specific instructions as to what action to take toward securing their release.<sup>2</sup> But aside from the work which he did, no direct results came from that quarter.

Although the principal interest of Texas itself, during 1841, was in the expedition to Santa Fé, it was also necessary that some attention be given to the lower Rio Grande region. At the same time that Lamar was formulating his plans for the occupation of New Mexico, he also made a new attempt to open

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<sup>1</sup> Smith to Jones, March 31, 1843, in Garrison (ed.), *Diplomatic Correspondence*, III, 1429.

<sup>2</sup> Webster to Thompson, April 5, 1842, in *Sen. Docs.*, 27 Cong., 2 sess. (Ser. 398), no. 325, pp. 8-17; Thompson, *Recollections of Mexico*, 92-100.

negotiations with Mexico. James Webb was selected to carry out the commission, and he was told to follow the instructions concerning boundaries which had been given to Bee; but in case Mexico objected to giving up the harbor of Brazos Santiago, lying just north of the mouth of the Rio Grande, she was to be offered free use of the port, as well as the right of deposit.<sup>3</sup> Webb was refused recognition by Mexico, however,<sup>4</sup> and with this the Texan efforts at negotiation with that government ended.

*Development of the colonization policy.*—The question of trade with the Mexicans along the Rio Grande was again brought up when General Arista sent Rafael Uribe to Texas, in the summer of 1841, to discuss with Lamar the advisability of sending Mexican troops into the Texan territory for the purpose of subduing the Indians.<sup>5</sup> Uribe arrived in Austin the day after the departure of the Santa Fé expedition, and upon learning its object, left immediately. Arista's suggestion was construed by the Texans as an expression of willingness to coöperate with the authorities of the republic in overthrowing the marauders who were preying upon trading parties from both sides.<sup>6</sup> Lamar therefore sent Cornelius Van Ness and John D. Morris to interview him upon the subject of making an arrangement which might place the relations along the frontier "upon a higher and more honorable footing."<sup>7</sup> Arista refused to treat with them, however, on the grounds that such trade was illegal, since it was being carried on between belligerents.<sup>8</sup>

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<sup>3</sup> Mayfield to Webb, March 22, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 733-734.

<sup>4</sup> Camacho to Pakenham, June 8, 1841; *ibid.*, II, 757-758; Pakenham to Webb, June 10, 1841, *ibid.*, II, 756.

<sup>5</sup> Arista to Lamar, April 21, 1841, in Texas State Historical Association, *Quarterly*, VII (1903), 173-174.

<sup>6</sup> *Telegraph and Texas Register*, June 30, 1841.

<sup>7</sup> Lamar to Arista, June 24, 1841; Roberts to Van Ness and Morris, June 24, 1841, in Garrison (ed.), *Diplomatic Correspondence*, II, 748-750.

<sup>8</sup> Arista to Van Ness and Morris, August 8, 1841, *ibid.*, II, 776-777.

In order to remedy the situation Colonel P. Hansborough Bell was instructed to go to the Rio Grande border with a military force for the purpose of ascertaining to what extent efforts to carry on trade were responsible for the continual depredations in that region. If it seemed necessary, he was to furnish protection to the Texans who had settled there, but he was told that although the president was anxious to protect the border, "he does not wish you to prosecute any war beyond the limits of our own territory."<sup>9</sup> The Texan secretary of war was not willing to acquiesce in this policy. In his annual report of September 30, he said:

It is not without regret that I have to acknowledge the difference of opinion existing between your Excellency and the head of this Department, on the subject of our Western Military operations. The territory claimed by us, extends to the Rio Grande. Our citizens have been authorized to locate and settle within this Territory. Many have availed themselves of this authority, without the aid or protection of Government. Invasions of this section of Country have been of daily occurrence. Our Mexican enemy have no restraint upon their actions. Under pretence of a licensed Trade they enter and depart, unmolested, with the profits of their traffic.

He felt that, unless the situation could be changed so that Texan troops could be empowered to secure reprisal, the section should be abandoned by Texas.<sup>10</sup>

Bell soon reported that a majority of the inhabitants of the western counties were in favor of closing the trade, "basing their objections to it mainly on the idea that it increased the channels of observation and intelligence from Mexico, and exposed the frontier more openly to the depredations of marauders." He suggested that a force of rangers be placed between the Nueces and the Rio Grande to insure protection, adding that "Such a measure would also go far towards establishing in fact, that which now exists only in empty declaration—*jurisdiction to the*

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<sup>9</sup> Archer to Bell, September 25, 1841, in *Army Papers*, Texas State Library.

<sup>10</sup> Archer to Lamar, September 30, 1841, *ibid.*

*Rio Grande.*"<sup>11</sup> Lamar's term of office was too near its close for him to make an effort to act upon any of these suggestions, and they were left for the Houston administration to work out.

To the new president the plan for additional colonization of the area seemed to present the best possibilities. The previous Congress had passed a law providing for the granting of land to any immigrants who had come to Texas since January 1, 1840, and authorizing the president to form a contract for settling vacant and unappropriated lands. Within three years from the date of the contract, the holders were to introduce into Texas a specified number of families, and they were to commence settlement within one year. The president was to designate certain limits of territory within which the immigrants were to reside, with the sole restriction that they were to be beyond the frontier of settlement as it existed at that time.<sup>12</sup> This act applied to a single company. On August 30, 1841, in accordance with its provisions, Lamar made a grant of land along the northern frontier to a group of twenty men under the leadership of W. S. Peters.<sup>13</sup> This group began the work of colonization during the following year, drawing its settlers principally from the United States.<sup>14</sup>

In response to requests for grants from both English and French promoters, Houston succeeded in securing an amendment to the law, making it general.<sup>15</sup> This measure was approved February 5, 1842, and four days later the president was informed that the secretary of state had concluded contracts with William Kennedy, an Englishman, and Henri Castro, a Frenchman, for the introduction of about six hundred or one thousand immigrants each upon certain designated lands lying between the

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<sup>11</sup> Bell to Archer, October 4, 1841, *ibid.*

<sup>12</sup> Gammel, *The Laws of Texas*, II, 554-557.

<sup>13</sup> *Colonization Papers*, Texas State Library.

<sup>14</sup> Wooten (ed.), *Comprehensive History of Texas*, I, 824-825.

<sup>15</sup> Gammel, *The Laws of Texas*, II, 785-786.

Nueces and the Rio Grande. At the same time plans were also being discussed for the introduction and settlement of ten thousand German immigrants in the San Sabá region.<sup>16</sup> The French and the English contracts were agreed to by Houston on February 15,<sup>17</sup> and Ashbel Smith, the Texan agent in Great Britain and France, was instructed to give all the assistance in his power "to the promotion of the success of these enterprizes, by rendering correct information on the subject, and by assuring those who may wish to engage, of the favorable dispositions of the government and people of Texas towards Colonization."<sup>18</sup>

Within the next four months, contracts had been made with two other Frenchmen, Alexandre Bourgeois and Amand Ducos, for the colonizing of two grants of land with immigrants from France. One of these provided for settling twelve hundred families on the headwaters of the Medina and Frio rivers,<sup>19</sup> and the other for five hundred families along the Rio Grande from its mouth to a point opposite the Mexican town of Reynosa. During this same period Henry F. Fisher and Burchard Miller were authorized by contract to colonize the San Sabá Valley with immigrants from Germany.<sup>20</sup> Thus the policy of contract grants begun by Lamar and continued by Houston had provided for the occupation of a large part of the same area which the Franco-Texienne Company had desired, and the frontier problem seemed to be well on the way toward a solution.

Castro proved to be the most energetic of this group. By November he had succeeded in arranging for the first shipload of colonists, and plans had been made to send a ship each month

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<sup>16</sup> Miller to Houston, February 9, 1842, in *Miller Papers*, Texas State Library.

<sup>17</sup> *Colonization Papers*, Texas State Library.

<sup>18</sup> Jones to Smith, March 9, 1842, in Garrison (ed.), *Diplomatic Correspondence*, II, 949-950.

<sup>19</sup> The contract is dated June 3, 1842. *Colonization Papers*, Texas State Library.

<sup>20</sup> Jones to Smith, June 7, 1842, in Garrison (ed.), *Diplomatic Correspondence*, III, 963-964.



until the terms of the contract were fulfilled.<sup>21</sup> By the end of March, 1843, about three hundred colonists had been sent out, and the French people were waiting to hear what fortune they had met. Smith was doing what he could to comply with his instructions, but in a letter to a friend in Texas he expressed a doubt as to whether he should make known the condition of that particular portion of the republic to which the colonists were going, since he considered settlement there to be impossible.<sup>22</sup> The first party of settlers did not arrive on the ground, however, until September, 1844. In the meantime, the law authorizing the granting of such contracts had been repealed by Congress over the president's veto. Along with the repeal was a proviso that all contracts made under that law, which had not been fulfilled, were to be cancelled.<sup>23</sup> Since none of the promoters had completed the requirements, this ended the contract system, but Castro's ability to show some progress in the direction of occupation brought a joint resolution from Congress, on January 27, 1845, allowing him an extension of time.<sup>24</sup>

In the meantime, the Fisher and Miller contract had been turned over to a German colonizing company and activities had begun.<sup>25</sup> On January 29, this contract was also granted an extension of time,<sup>26</sup> because of the fact that three shiploads of German settlers had arrived. Kennedy had not accomplished enough to get a renewal of his contract,<sup>27</sup> therefore his activities were ended.

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<sup>21</sup> Castro to Jones, October 15, 1842, in *Colonization Papers*, Texas State Library.

<sup>22</sup> Smith to Miller, March 26, 1843, in *Miller Papers*, Texas State Library.

<sup>23</sup> Gammel, *The Laws of Texas*, II, 958-959.

<sup>24</sup> *Laws of the Republic of Texas*, 9 Cong., 1 sess., 32.

<sup>25</sup> Fisher to Jones, June 27, 1844, in Jones, *Memoranda and Correspondence relating to Texas*, 367-368.

<sup>26</sup> *Laws of the Republic of Texas*, 9 Cong., 1 sess., 45-46; Tiling, *History of the German Element in Texas*, 69, 74.

<sup>27</sup> Kennedy to Jones, November 9, 1843, in Jones, *Memoranda and Correspondence relating to Texas*, 269.

*Renewal of Mexican aggressions.*—The delay of the promoters in carrying out this colonization plan was caused in large measure by a renewal of Mexican aggressions against Texas, as an immediate result of the Santa Fé expedition. The information which reached the Mexican capital concerning the expedition furnished a semblance of truth for the repeated rumors of a Texan invasion, and therefore, on the receipt of Governor Armijo's report, the leaders began to demand that the Texans be subdued, and that the original territory of Mexico be recovered.<sup>28</sup> Accordingly, Santa Anna published a statement to the effect that he would place the banner of Mexico on the banks of the Sabine, and preparations for the invasion of Texas were begun.

The first definite outcome was an attack on San Antonio, on March 5, 1842, by a force of about seven hundred men under General Rafael Vasquez. The Texan force in the town, numbering about one hundred men, withdrew as the Mexicans approached, and the invaders took possession of the place. After remaining two days, they gathered as much property as could be easily moved, and quickly withdrew across the Rio Grande.<sup>29</sup> During the same week, Goliad and Refugio were also entered by Mexican forces, but no damage was done other than driving off some cattle.<sup>30</sup>

This aroused the Texans to action, and they immediately began to organize with the idea of repelling a general invasion. General Edward Burleson, the Texan vice-president, went to San Antonio to take charge of the forces, and before it was evident that the invaders had withdrawn across the Rio Grande, approximately three thousand Texans were under arms. Per-

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<sup>28</sup> *Diario el Gobierno*, November 20, 1841, quoted in *Telegraph and Texas Register*, December 22, 1841.

<sup>29</sup> Miller to Houston, March 9, and March 13, 1842, in *Miller Papers*, Texas State Library; Rives, *The United States and Mexico*, I, 485.

<sup>30</sup> Yoakum, *History of Texas*, II, 350.

mission to carry the war into Mexican territory was requested from the president,<sup>31</sup> but before the request reached Houston, he had ordered General Alexander Somervell to assume command and await further developments.<sup>32</sup> When the troops refused to accept Somervell as their commander, Burleson disbanded them on April 2, and four days later he issued the following statement: "I feel no hesitation in believing that if my orders had permitted me to cross the Rio Grande, and retaliate upon our enemy his oft-repeated outrages, by this time five thousand brave men would have been west of said river, inflicting a chastisement upon him which would result in an honorable peace."<sup>33</sup>

In July, a Mexican force under Canales, the old federalist leader, attacked a military camp near Corpus Christi, but was repulsed.<sup>34</sup> Then, on September 11, San Antonio was again surprised by the Mexicans. This time a force of twelve hundred men under General Adrian Woll entered the place so suddenly that the officers of the district court, which was then in session, were captured. Fifty-five men were made prisoners, and marched off to Mexico City.<sup>35</sup> The Texan militia again began to assemble, with Somervell in command. Their force was soon larger than that of Woll, so he withdrew on September 18, and succeeded in recrossing the Rio Grande without loss.<sup>36</sup>

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<sup>31</sup> Miller to Houston, March 17, 1842, in *Miller Papers*, Texas State Library. Washington D. Miller, who was Houston's private secretary, wrote that "The West is entirely broken up for this year, and all anxious for war. A great deal of impatience is evinced on the subject. Let them go."

<sup>32</sup> Houston to Somervell, March 16, 1842, in *Republic of Texas, Executive Records*, Book 40, p. 52.

<sup>33</sup> Yoakum, *History of Texas*, II, 354.

<sup>34</sup> Davis to Hockley, July 7, 1842, in *Army Papers*, Texas State Library.

<sup>35</sup> Hamilton to Houston, November 12, 1842, *ibid.*; Winkler (ed), "The Bexar and Dawson Prisoners," *Texas State Historical Association, Quarterly*, XIII (1910), 294-313, publishes the diary of Anderson Hutchinson, one of the captives. At the time of his capture, Hutchinson was judge for the fourth judicial district of Texas.

<sup>36</sup> Neill to Jones, January 29, 1843, *ibid.*, XIII (1910), 313-320; also in *Miller Papers*, Texas State Library.

*The Texan expedition against Mier.*—Throughout the summer of 1842, President Houston had been urged by the Texans to consent to an invasion of Mexico, and Congress, in special session, had passed a bill providing for an offensive war. This was vetoed on the ground that the republic was in no condition to carry on such a struggle.<sup>37</sup> But after the second attack on San Antonio, the popular demand for retaliation was too strong to resist. The experience of the previous March had shown Houston that, if the troops were organized, the desire to cross the Rio Grande would predominate. Therefore, in order "to clothe the expedition with legal authority that in case it was unfortunate, and our citizens should fall into the powers of Mexico they could not be regarded or treated by the authorities of that Government otherwise than as lawful belligerents acting under sanction of their own Government,"<sup>38</sup> he ordered Somervell to organize a force to operate against the Mexicans for the purpose of making such reprisals upon Mexico as civilized and honorable warfare would justify.<sup>39</sup> In later instructions, Somervell was told to receive no troops into his command save those who would march across the Rio Grande, under his orders, if required to do so.<sup>40</sup> In November these orders were repeated, and energetic action was urged, if success seemed probable.<sup>41</sup>

Accordingly, late in November, Somervell started toward the lower Rio Grande with a force of about 750 men, and on December 8, he occupied the town of Laredo. Finding that

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<sup>37</sup> Houston's Message to Congress, July 22, 1842, in *Republic of Texas, Executive Records*, Book 40, p. 126.

<sup>38</sup> Jones to Van Zandt, February 16, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 127.

<sup>39</sup> Houston to Somervell, October 3, 1842, in *Tex. Cong., House Jour.*, 7 Cong., 1 sess., appendix, 3-4.

<sup>40</sup> Hamilton to Somervell, October 13, 1842, *ibid.*, appendix, 5-6.

<sup>41</sup> Hamilton to Somervell, November 19, and November 21, 1842, *ibid.*, appendix, 7-10.

the Mexican forces had evacuated it upon his approach, he permitted the civil authorities of the Mexican government to remain in office.<sup>42</sup> The Texan force then proceeded down the river, and on December 15, crossed over to the Mexican side and plundered the town of Guerrero. The troops immediately recrossed to the Texan side, and four days later they were ordered to begin a march to Gonzales, within the area of settlement of Texas, where they were to be disbanded.<sup>43</sup> Upon the receipt of this order the sentiment of the Texans was shown, when five companies with their officers refused to obey.

As soon as the forces were divided, those remaining selected William S. Fisher to take command, and plans were made to continue the march down the Rio Grande. On December 21, a requisition for supplies was made upon the Mexican town of Mier,<sup>44</sup> and when this was not filled the place was attacked on the evening of December 25, but the presence of a superior force of Mexican troops under General Pedro Ampudia caused the defeat of the Texans on the following day. Realizing that it would be impossible to recross the river without losing a majority of his men, Fisher decided to surrender. The terms drawn up by Ampudia specified that the prisoners would "be treated with the consideration which is in accordance with the magnanimous Mexican nation," and under this agreement the 226 Texans who were able to travel were immediately marched off to the Mexican capital to be imprisoned.<sup>45</sup>

By this victory, Ampudia dispelled the rumor which had gained credence in Vera Cruz to the effect that three thousand

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<sup>42</sup> Somervell to Alcalde of Laredo, December 9, 1842, in *Army Papers*, Texas State Library.

<sup>43</sup> Somervell to Hill, February 1, 1843, in *Tex. Cong., House Jour.*, 9 Cong., 1 sess., appendix, 70-75; also in *Telegraph and Texas Register*, February 22, 1843.

<sup>44</sup> Green, *Journal of the Texian Expedition against Mier*, 75-76.

<sup>45</sup> *Ibid.*, 82-111; *Houston Morning Star*, January 17, 19, and 24, 1843.



Texans were beginning operations along the lower Rio Grande.<sup>46</sup> Furthermore, news of the trouble in the Texan army reached the United States while the question of mediation was being discussed. The effect was naturally unfavorable to Texas,<sup>47</sup> and Joseph Eve, the agent of the United States in Texas, was instructed by his government to address to the officials of the republic, "a strong, but kind and friendly remonstrance, to abstain on the part of Texas from carrying on the war (should it continue) against Mexico by means of predatory incursions, whether with a view to retaliation or otherwise."<sup>48</sup> On April 27, 1843, therefore, Houston took a definite step toward ending such activities by issuing a proclamation declaring martial law to exist in the entire region from the Nueces and Frio rivers to the Rio Grande. Major John C. Hays was placed in command of a force of Texans to deal with any persons who might be found there without authority from the government of Texas.<sup>49</sup>

*Warfield's operations to the northwest.*—The disastrous outcome of their operations in the lower Rio Grande valley proved to the Texans the futility of any efforts at retaliation in that direction. In the meantime, however, they had begun to turn their attention to the northwestern part of the territory over which the government claimed jurisdiction. The previous lack of knowledge concerning the country had been dispelled to a large degree by the wanderings of the Santa Fé expedition, and the Texans now understood more adequately how to operate there. Two other more important factors seem to have been responsible for the determination to conduct operations in this region. In the first place, the treatment which had been accorded to the members of the Santa Fé expedition by the

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<sup>46</sup> Van Zandt to Jones, January 11, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 105.

<sup>47</sup> Van Zandt to Jones, March 13, 1843, *ibid.*, II, 133-134.

<sup>48</sup> Eve to Jones, April 13, 1843, *ibid.*, II, 163.

<sup>49</sup> Houston *Morning Star*, May 11, 1843.

military authorities in New Mexico, together with the fact that the region itself still remained to be subjugated, had its influence on the Texan attitude. The other incentive was the fact that across this district ran the Santa Fé trail, still serving as the principal route of commercial intercourse between the United States and northern Mexico. Since regular Mexican troops had not penetrated this far north, it seemed that here were possibilities for effective retaliation at a minimum risk.

The officials of Texas took the stand that "a just retribution (and if need be, an instructive one) for injuries and cruelties inflicted by an enemy is always legitimate warfare." For the purpose of having such retribution administered, the secretary of war and marine, on August 16, 1842, authorized Charles A. Warfield to raise a force of men. Warfield was given a colonel's commission, and in order to avoid delay, he was told to commission such officers as he considered to be necessary, with the assurance that his appointments would be confirmed. His command was to be considered as in the service of Texas during the war, or until further orders. Its work was to levy contributions, capture Mexican property or places in the name of Texas, and deliver to the government one-half of the spoils which might be taken from the enemy. The other half was to be distributed among the captors, to whom was promised also an appropriation of public lands. Warfield was told to work as directly as possible toward Santa Fé, which, with such other towns as it was possible to conquer, was to be taken, and all Mexican property confiscated.<sup>50</sup> Information which had been reaching Texas led to the belief that if Armijo could be driven out of Santa Fé the people of New Mexico would be willing to accept Texan jurisdiction. This, therefore, was to be one of his

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<sup>50</sup> Hockley to Warfield, August 16, 1842, in *Sen. Ex. Docs.*, 32 Cong., 2 sess. (Ser. 660), no. 14, pp. 117-118.

objects.<sup>51</sup> Upon his arrival at Santa Fé he was to await further instructions, and later developments indicate that the government had expected him to act immediately so as to distract the attention of the New Mexicans from another Texan expedition which was to cross the Rio Grande in the fall. After occupying Santa Fé his command was to join this force.<sup>52</sup>

Warfield was well acquainted with the country in which he was to operate, having been for a number of years a resident of New Mexico, and having traveled over much of the southern Rocky Mountain region.<sup>53</sup> He at once began the work of raising his force, with the expectation of mustering between eight hundred and a thousand men. He apparently took it for granted that at least three hundred men would respond from Texas,<sup>54</sup> and expected an equal number from the frontier of Arkansas. Consequently he went to Missouri, where he succeeded in enlisting a considerable number of frontiersmen. Then, after naming May 15, 1843, as the date when the party was to assemble at the "Point of Rocks," within a short distance of the easternmost New Mexican settlements, he set out in the fall for the mountains, where he expected to secure the services of the trappers and fur hunters.<sup>55</sup> In his recruiting Warfield contended that the proposed expedition was justifiable under the rules of legitimate warfare. His statement of its purpose made the main design that of annoying the Mexican frontier states, intercepting their trade, and forcing them, if possible, to some terms by which a peace might be secured between Texas and Mexico. As

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<sup>51</sup> Houston *Morning Star*, May 2, 1843.

<sup>52</sup> Jones to Van Zandt, June 8, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 189.

<sup>53</sup> Arrangoiz to Mexican Minister of Foreign Relations, May 6, 1843, in the Bolton Transcripts.

<sup>54</sup> The Houston *Morning Star*, May 9, 1843, says that Warfield expected to meet 150 men under McLeod at the False Washita River.

<sup>55</sup> Mitchell to Porter, April 21, 1843, in *Sen. Ex. Docs.*, 32 Cong., 2 sess. (Ser. 660), no. 14, pp. 112-113.

inducements, he presented the promise of his government, and dramatically displayed a tattered, bullet-pierced flag which had seen service in the early battles of the Texan struggle for freedom.<sup>56</sup>

The contingent of trappers met Warfield near the junction of the Rio de las Animas with the Arkansas, in March, and it was found that many "had volunteered with great readiness, so far as promises were concerned; but when performances were required, 'came up missing'."<sup>57</sup> A little group of twenty-four men set out in two sections, however, on March 21, for the point where the volunteers "from the States" and the Texan force had been instructed to meet them in May. An interesting feature of this march shows something of the real purpose of the expedition. One afternoon a sentinel of one of the sections announced the approach of a small party of Mexicans, and immediate preparations were made to attack. It soon became evident that the expected enemy was hurriedly retreating, and a detachment of Texans set out in pursuit. After a chase of several miles, three members of the party were overtaken, and were found to be American and English traders on their way to the United States with a large quantity of gold and silver. They were at once released and allowed to proceed without being further molested.<sup>58</sup> A few days later, three members of the little band were discharged for cowardice, Warfield advising them that "Texas wants no cowards to fight her battles."<sup>59</sup>

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<sup>56</sup> Sage, *Scenes in the Rocky Mountains*, 244. Rufus B. Sage, the author, was one of Warfield's recruits among the western trappers, and has given some valuable, although meager information on the party's activities. For available reprints of the portion of this book dealing with the Texans, see Burton, "Texas Raiders in New Mexico in 1843," in *Old Santa Fe*, II (1915), 309-322; 407-429.

<sup>57</sup> Sage, *Scenes in the Rocky Mountains*, 248.

<sup>58</sup> *Ibid.*, 252. Sage adds, "A circumstance not likely to have happened had we been the gang of 'lawless desperadoes,' so hideously depicted in several of the public prints of the day."

<sup>59</sup> *Ibid.*, 261-262.

Early in May, while waiting for the expected reinforcements from Texas, this group surprised the military outpost of the town of Mora, killing five soldiers and capturing eighteen others, together with seventy-two horses. The prisoners were released, and, owing to the presence of a large Mexican force in the vicinity, a retreat was begun.<sup>60</sup> On the following day, the horses were recaptured by the Mexicans, along with those belonging to the party, who then burned their saddles, and proceeded on foot to the neighborhood of Bent's Fort. After waiting here several days for information concerning the force which had been promised from Texas, Warfield abandoned hope, and on May 29 the force was disbanded.<sup>61</sup>

These activities had been brought into disfavor in the United States, however, because of the capture and murder of Antonio Chavez, a New Mexican trader, by a party of Missourians under John McDaniel. Acting upon his authority to select and commission his own officers without first consulting the government, Warfield had issued such a commission to McDaniel,<sup>62</sup> and his trust had been abused. While McDaniel's act was indirectly connected with the Texan aggressive movement, its nature did not entirely conform with the Texan view of legitimate retribution, and it was disavowed, while the principals in the raid were caught and punished by the United States authorities.<sup>63</sup>

In addition to this, early in May a report from the United States superintendent of Indian affairs for the West reached Washington. It contained a complaint concerning Warfield's

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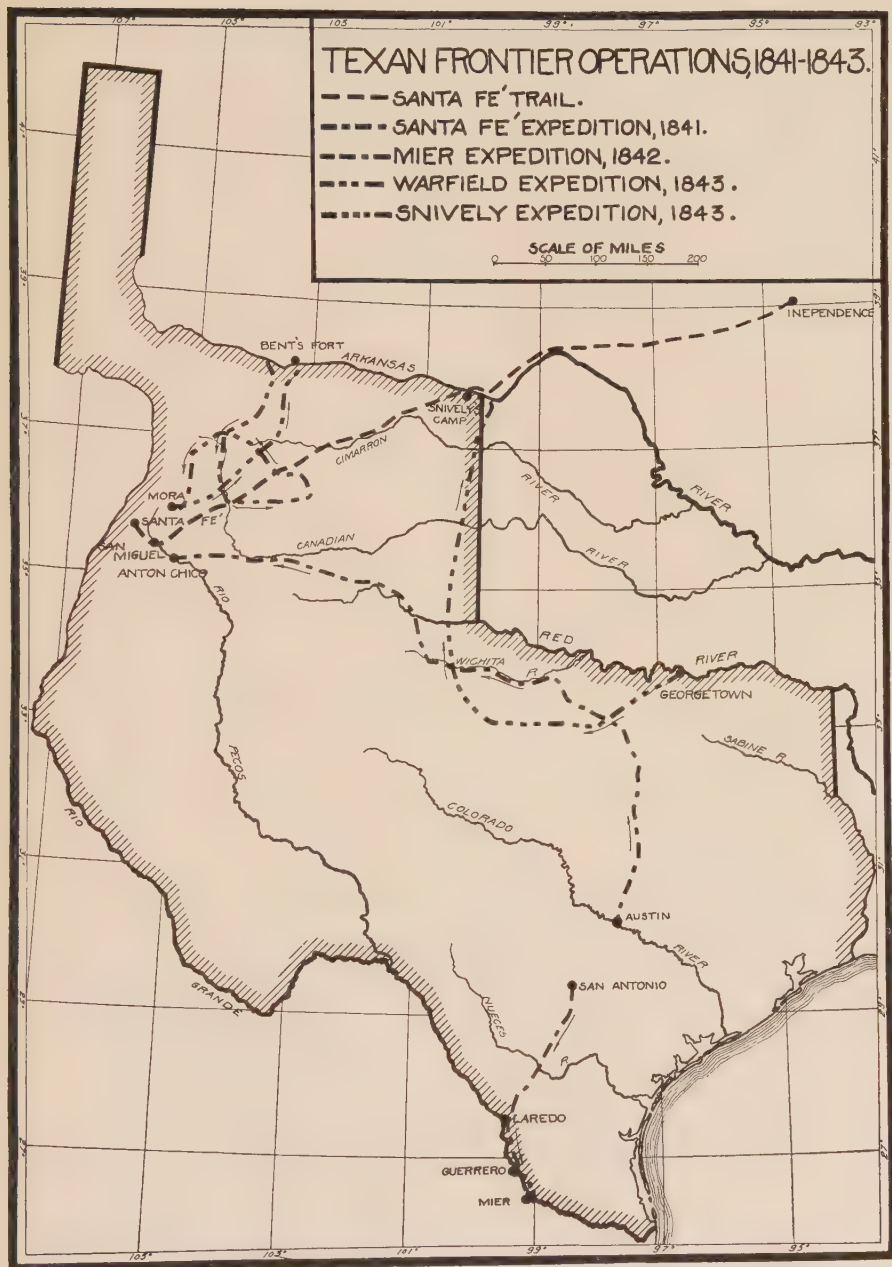
<sup>60</sup> *Ibid.*, 265.

<sup>61</sup> *Ibid.*, 266-267. For rumors which reached the United States concerning Warfield's activities, see *Niles' Register*, LXIV, 235, 290, 323. Glasgow and Harrison, a St. Louis firm, wrote to Henry Smith, on April 22, 1843, sending a list of their merchandise which was in the caravan from Santa Fé, and asking that the Texan officials hold these goods for them if they happened to be among Warfield's spoils. Smith to Jones, May 22, 1843, in *Army Papers*, Texas State Library.

<sup>62</sup> *Niles' Register*, LXIV, 386.

<sup>63</sup> *Ibid.*, LXIV, 235.





Map 5



recruiting activities in Missouri.<sup>64</sup> The United States at once protested to Isaac Van Zandt, the Texan agent at Washington,<sup>65</sup> who denied any knowledge of the Warfield party.<sup>66</sup> But two months later, after he had communicated with his government, Van Zandt was able to furnish to the American secretary of state a copy of the instructions to Colonel Warfield, together with a protest that these instructions did not authorize him to enlist men or organize an expedition within the limits of the United States.<sup>67</sup>

This correspondence had the effect of recalling to the Texan officials the fact that they had not heard from Warfield, for after the failure of the contemplated Rio Grande expedition to materialize he seems to have been forgotten. Since he had been told to act immediately, it had been supposed in Austin that his proposed expedition had been abandoned. So now, in order to meet the new international situation which had arisen, a letter was sent to Van Zandt, revoking Warfield's authority. This was to be forwarded to him whenever his whereabouts could be ascertained.<sup>68</sup> Long before this series of correspondence culminated, Warfield himself had removed the cause by disbanding his force near Bent's Fort, and, with a few of his followers, had set out for Texas.<sup>69</sup>

*The Snively expedition.*—In the meantime, trade along the Santa Fé trail was being continued, and the Texans took the stand that such trade crossing their territory was subject to customs duty.<sup>70</sup> But they had no effective means of collecting

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<sup>64</sup> Mitchell to Porter, April 21, 1843, in *Sen. Ex. Docs.*, 32 Cong., 2 sess. (Ser. 660), no. 14, pp. 112-113.

<sup>65</sup> Legaré to Van Zandt, May 10, 1843, *ibid.*, 112.

<sup>66</sup> Van Zandt to Legaré, June 1, 1843, *ibid.*, 113-114.

<sup>67</sup> Van Zandt to Upshur, August 4, 1843, *ibid.*, 117.

<sup>68</sup> Jones to Van Zandt, June 8, 1843, in Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, II, 189.

<sup>69</sup> Sage, *Scenes in the Rocky Mountains*, 267-268.

<sup>70</sup> Jones to Van Zandt, September 29, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 215-216.

such duties.<sup>71</sup> Therefore, for the purpose of stopping the so-called illicit and contraband commerce, President Houston was induced to authorize Major Jacob Snively to raise a partisan force and go into the region. In the instructions which Snively received from the acting secretary of war and marine of Texas, however, the object which was emphasized was that of retaliation and reclamation for injuries which had been sustained by Texans at the hands of Mexican soldiers. His force was to be raised and maintained without any expense to the government, and was to operate in any portion of Texas above the settlements, and between the Rio Grande and the boundary of the United States. Any merchandise or property belonging to Mexican citizens was to be considered as a lawful prize, and, as in Warfield's instructions, half of the spoils was to go to the government, while the other half was to be divided among the members of the party.<sup>72</sup>

This amounted to nothing more than a letter of reprisal, granting permission to operate at will within certain limits, and as such it was construed by the men who took part. Among the people of Texas, however, the general understanding was that the expedition was to descend on Santa Fé to capture "the tyrant Armijo, and the traitor Lewis," and, if favorably received by the New Mexicans, so great was the optimism that it was thought probable that it would make a descent upon Chihuahua, and ultimately revolutionize the whole of northern Mexico.<sup>73</sup>

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<sup>71</sup> For an illustration of the difficulties of a Texan customs official, see Bourland to Secretary of Treasury [of Texas], May 4, 1843, in *Sen. Docs.*, 28 Cong., 2 sess. (Ser. 449), no. 1, pp. 93-95. James Bourland, collector for the Red River district, had confiscated merchandise which had been unloaded from a river steamer on Texan soil by United States traders without making the proper entries. The Americans surprised and bound him, broke open the customs house, recovered their goods, and proceeded on their way.

<sup>72</sup> Hamilton to Snively, February 16, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 217-218.

<sup>73</sup> *Niles' Register*, LXIV, 210.

A party of about two hundred men was raised, and the command started from Georgetown, on April 25, 1843,<sup>74</sup> well armed and well supplied with provisions. The experience of the Santa Fé expedition in the matter of supplies evidently served as a warning, for the arrangements at this time were that for every two men there should be a pack mule, carrying about one hundred pounds of dried beef and a supply of flour.<sup>75</sup> After about a month of marching in a northwesterly direction, the force turned north, believing itself to be west of the one hundredth meridian, and proceeded to the Arkansas River for the purpose of intercepting a caravan of Mexican traders which had left St. Louis in the spring.<sup>76</sup> Here it was joined by Warfield with the remnant of his party which had decided to accompany him to Texas.

By this time information concerning Warfield's activities had reached the United States, and the belief that the trade caravans were to be the prey of the Texans led General Almonte, the Mexican minister at Washington, to request that an armed escort be furnished for the Mexican merchants who were leaving Missouri for Santa Fé. A detachment of troops under Captain Philip St. George Cooke was therefore ordered to accompany the caravan "as far as the territory of the United States extended on the route to Santa Fé."<sup>77</sup>

At the New Mexico end of the trail, the persistent rumors which came in concerning a second Texan expedition against

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<sup>74</sup> Snively to Hill, July 9, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 218.

<sup>75</sup> Houston *Morning Star*, May 30, 1843; *Niles' Register*, LXIV, 290.

<sup>76</sup> Snively to Hill, July 9, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 218; and also accounts given by members of the party, in *Niles' Register*, LXIV, 406, copied from Houston *Morning Star*, August 22, 1843.

<sup>77</sup> Upshur to Van Zandt, January 16, 1844, in Garrison (ed.), *Diplomatic Correspondence*, II, 244. In *Sen. Docs.*, 28 Cong., 2 sess. (Ser. 449), no. 1, p. 101, this same letter is dated January 19, 1844, but this is evidently a typographical error, since Van Zandt's reply refers to the communication of the 16th ult. Van Zandt to Upshur, February 21, 1844, *ibid.*, 104.



Santa Fé brought new activity from Armijo. An appeal was sent to Mariano Monterde, the governor and commandant of Chihuahua, for assistance; and that official at once began raising troops in the vicinity of El Paso for the purpose of aiding Armijo "in case the Texans dare to place a profaning foot upon Mexican territory."<sup>78</sup> Monterde delayed the action of these troops, however, until he could bring reënforcements from his capital.<sup>79</sup> He also sent a report to the central government, stating that he had turned his own government over to his lieutenant governor in order to go to New Mexico to punish invaders from Texas.<sup>80</sup> Before he could arrive, however, Armijo had found it necessary to raise a detachment to meet the trade caravan at the Arkansas and furnish the protection needed for the last stage of the journey. To make up the necessary number, he was forced to impress into service the militia of Taos, a region which had remained antagonistic to him, and he used that division as his advance party.<sup>81</sup>

Information concerning the plans of the Texans was also reaching the Mexican capital from representatives in the United States. Francisco de Arrangoiz, the Mexican consul at New Orleans, was keeping himself informed upon the developments in Texas, and in government archives of Mexico numerous letters are to be found in which he gives valuable information to his government. On May 6, 1843, he reported fully concerning Warfield's activities, and on May 19 he was able to send the news of the starting of the Snively expedition. To this warning there was added, during the following month, the voice of Gen-

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<sup>78</sup> Extract from Monterde to Armijo, April 15, 1843, in Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II (1914), 154.

<sup>79</sup> Ugarte to Acting General of the Department of New Mexico, June 29, 1843, *ibid.*, II (1914), 154.

<sup>80</sup> Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico*, 326.

<sup>81</sup> Gregg, *Commerce of the Prairies*, II, 172-173.

eral Almonte from Washington.<sup>82</sup> The impression conveyed by these letters was that the expeditions were being fostered by the United States, and considerable alarm was felt in Mexico. With information coming from so many sources, President Santa Anna felt that it was time to act. On August 7, 1843, he issued a decree by which the frontier customs houses at Taos, in New Mexico, and at Paso del Norte and Presidio del Norte, in Chihuahua, were entirely closed to all commerce.<sup>83</sup> This meant that trade to the north was to cease.

In the meantime new complications had arisen. In the summer of 1843 the efforts of the British agent in Texas to bring about an adjustment of the difficulties between Texas and Mexico led to a temporary suspension of hostilities in order that the arrangements for a negotiation might be made.<sup>84</sup> This was on June 15, and a month later General Woll, commanding the Mexican army in the north, demanded of the Texan government either a declaration that the forces which composed the expedition against Santa Fé did not have the sanction of the government, in which case they could be treated as outlaws, or else an assurance that they had been notified to suspend hostilities.<sup>85</sup> The Texan officials had been unable to communicate with Snively and Warfield to notify them of the agreement, and to obviate this difficulty General Woll was given a copy of the revocation of Warfield's orders, and a copy of the proclamation declaring

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<sup>82</sup> Copies of the letters of Arrangoiz and Almonte to the Mexican Minister of Foreign Relations are in the Bolton Transcripts.

<sup>83</sup> *Niles' Register*, LXV, 166. The inference drawn by the newspapers of the time was that the decree was a result of a misunderstanding between Waddy Thompson and Bocanegra, the Mexican minister of foreign relations. If such was the case, it was undoubtedly because of the Mexican supposition that the United States was responsible for the Texan operations. See Thompson to Bocanegra, August 14, 1843, *ibid.*, LXV, 167.

<sup>84</sup> *Ibid.*, LXIV, 307.

<sup>85</sup> Woll to Houston, July 16, 1843, in Adams (ed.), "Correspondence in the British Archives Concerning Texas," *Southwestern Historical Quarterly*, XVII (1913), 85-86.

an armistice, with an order to Snively endorsed on it, giving Mexican officers the authority to show them the copies in case they should appear, and demanding that they return to the interior settlements of Texas.<sup>86</sup> These orders were never delivered, and Snively conducted his principal operations during the period of the armistice. But the significant fact is that it was considered essential to make an effort to reach these two men. This, taken in connection with the instructions issued to them by Texan officials, may be construed as positive proof that, no matter how detached their operations may have been, the work of these two men was a part of the general Texan movements in opposition to the Mexican government, and not merely, as it has usually been regarded, isolated raids.<sup>87</sup>

Snively's men and the advance party of Armijo's force reached the point where the trail crossed the Arkansas River at about the same time. A detachment of Texans led by Warfield immediately attacked the Taos militia, and in the skirmish all but two of the New Mexicans were either killed or captured. The prisoners were later released, and upon their return to Armijo with the news of the encounter he retreated hurriedly to Santa Fé.<sup>88</sup> The Texans then went into camp to await the arrival of the caravan. Within a few days it appeared, but before Snively fully realized what was happening, Captain Cooke had covered his camp, and demanded his surrender on the ground that the party was in United States territory. Snively protested vigorously, but, owing to the superiority of the American force, the Texans had no alternative, and after

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<sup>86</sup> Hill to Woll, July 29, 1843, *ibid.*, XVII (1913), 87.

<sup>87</sup> See Bancroft, *History of Arizona and New Mexico*, 326-329; also Bancroft, *History of the North American States and Texas*, II, 371-372. His accounts are based largely upon *Niles' Register*, since he had no access to the documentary material which has since been made available.

<sup>88</sup> Snively to Hamilton, June 28, 1843, in *Army Papers*, Texas State Library; Gregg, *Commerce of the Prairies*, II, 169-170; also *Niles' Register*, LXIV, 354, and Twitchell, *The Leading Facts of New Mexican History*, II, 86.

practically disarming them Cooke allowed them to return to Texas.<sup>89</sup> Some of the Texans, disappointed at losing the opportunity of convincing Governor Armijo "that he was not a Napoleon," accused Snively of selling out to Cooke,<sup>90</sup> and there was general disappointment in Texas because Santa Fé had not been taken. The principal result of the episode was the involving of Texas in a controversy with the United States concerning the location of the boundary, but no definite settlement was made, although Cooke was court-martialed and exonerated. The United States agreed, however, to pay the Texans for the firearms which had been confiscated, and with this the subject was dropped.<sup>91</sup> The interesting feature of this event lies in the fact that the trap which caught Snively was set by the authorities of the United States for the purpose of catching the Warfield party.

This brought to an end all active efforts on the part of Texas to either occupy or control the New Mexico territory under the government of the republic, and so far the only tangible results seemed adverse to the Texan interests. Not only had all her attempts at occupation proved futile, but each effort had turned a new group of the New Mexican population from an attitude of indifference to one of hostility, and had added materially to the probability of continued failure.

These campaigns also mark the final steps in the aggressive policy of the Texan republic from a military point of view. The commission to Snively was the last to be issued by the government for the purpose of carrying the war into Mexican territory, and with the exception of the work done by Colonel Hays in the southern district in 1844, in preparation for a rumored Mexican

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<sup>89</sup> Snively to Hill, July 9, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 218-220.

<sup>90</sup> *Niles' Register*, LXIV, 406.

<sup>91</sup> For the correspondence on the subject, see *Sen. Docs.*, 28 Cong., 2 sess. (Ser. 449), no. 1, pp. 92-112.

invasion, which did not materialize, it constitutes the last stage of the military operations against Mexico.

*Expression of expansionist sentiment.*—In spite of this succession of failures in the expansionist plans of the republic, the sentiment itself seems to have kept alive, for throughout President Houston's second administration records can be found of the expression of a hope that Texas might ultimately become one of the leading nations of the Americas. The statements vary all the way from the blustering boastfulness of the executive to the deliberate calculations of secret agents; and the immediate motives behind them were often a sincere desire to advance the interests of the republic, and perhaps equally as often a spirit of revenge for humiliation suffered.

During the last year of Lamar's administration, when the expansionist activity was reaching its climax in the preparation for the Santa Fé expedition, A. S. Wright, Bee's secret agent in Mexico, informed the president of the desire of Russia to dispose of her possessions on the Pacific Coast. In this connection he said: "I believe upper California will soon sail for Texas, and therefore wanted to hint to those who may compose the heads of Departments to seriously consider the subject, I mean the purchasing the Russian settlement if it be in their power."<sup>92</sup> Lamar had no opportunity to consider this suggestion before the end of his term, and by that time the settlement had been given up by Russia.

The failure of the expedition itself brought revenge to the front as the principal incentive to extend the territory of the republic, and the act of Congress providing for the addition of all northern Mexico was the first result. President Houston's veto of this bill was not received kindly by a large faction of the population, and as a result of communications which came

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<sup>92</sup> Wright to Lamar, May 14, 1841, in *Lamar Papers*, Texas State Library.



to his office, Washington D. Miller, his private secretary, became the spokesman for the expansionists.<sup>93</sup> Two weeks after Houston's veto message, Miller wrote to him that the destiny of the republic demanded that he direct the tide of conquest westward as the champion of civilization, religion, and liberty.<sup>94</sup> On the day that Vasquez occupied San Antonio, Houston was told that "A great drama is in progress. Two acts have already passed. The first was the settlement and establishment of the independence of the United States—the second, the settlement and liberation of Texas—the third will be, the conquest of Mexico."<sup>95</sup>

Just at this time Houston's efforts were being directed toward the curbing of the spirit of revenge shown by the Texans, and his chief interest seemed to be the avoidance of a war of conquest before the government was prepared for it. From this point of view it is interesting to note his reaction to Santa Anna's threat to reestablish Mexican control to the banks of the Sabine. In a letter filled with vituperations, Santa Anna was reminded of the campaign of San Jacinto and of the treaty of Velasco, and was told that the Texans would cross the Rio Grande. The communication was closed with the sweeping prophecy that "ere the banner of Mexico shall triumphantly float on the banks of the Sabine, the Texian standard of the single star, borne by the Anglosaxon race, shall display its bright folds in liberty's triumph on the isthmus of Darien."<sup>96</sup> This statement called forth derision from Houston's opponents, and made it more difficult to uphold his aim of postponing an offensive war. The result was the disastrous Mier expedition, and during the next few months expansionists were not so outspoken.

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<sup>93</sup> Miller to Houston, February 23, 1842, in *Miller Papers*, Texas State Library.

<sup>94</sup> Miller to Houston, February 16, 1842, *ibid.*

<sup>95</sup> Miller to Houston, March 5, 1842, *ibid.*

<sup>96</sup> Houston to Santa Anna, March 21, 1842, in *Republic of Texas, Executive Records*, Book 40, p. 65; Yoakum, *History of Texas*, II, 544-558.

During the summer of 1843, however, while Snively was operating in the northwest, and while plans were being formulated to bring about a settlement of the difficulties between Texas and Mexico, Houston again broke forth with a declaration that, unless peace was concluded before the next session of the Texan Congress, or unless Mexico was informed by the powers attempting to secure mediation that she must confine herself to the west side of the Rio Grande, Texas would assume the offensive. He said:

Her action will be an united action and the limits of her enterprise will not be bounded by the Rio Grande nor any other point. The region of Santa Fé will be one point from which our operations will progress. Texas can and will marshal an army there which will overrun the country dependent upon that point of territory.<sup>97</sup>

The arrangement for an armistice removed the necessity for such action, but during the latter part of the year the interest of the Texans was turned once more toward Santa Fé. Following the return of Snively and his companions, resentment against the United States was strong,<sup>98</sup> and it was felt that further action should be taken upon the question of jurisdiction in the northwest. Reports also began to reach Texas from Santa Fé, indicating a disposition on the part of some of the inhabitants to overthrow the Mexican control. It was believed that the enforcement of Santa Anna's decree closing the northern trade would give a better opportunity for the opening of Texan trade; and if this trade could once be started, the problem of annexing the region to the republic would be easily solved. Then "if Santa Fé should acknowledge the government of Texas, the valley of the Rio Grande would soon be filled with Anglo-American emigrants, who would extend their commerce to the Pacific, and if necessary, aid their countrymen in resisting any

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<sup>97</sup> Houston to Jones, June 10, 1843, in Garrison (ed.), *Diplomatic Correspondence*, II, 785-786.

<sup>98</sup> Henderson to Jones, October 1, 1843, in Jones, *Memoranda and Correspondence relating to Texas*, 257-258.

tyrannical impositions of the Mexican government.”<sup>99</sup> This sort of information continued to come as long as Texas remained an independent republic,<sup>100</sup> but it had become evident that without assistance the establishment of jurisdiction over the region included within its statutory boundaries could not be accomplished.

Houston refused to admit this fact, and in his efforts to arouse the United States to action upon the annexation question in 1844, he pictured a glowing future for Texas if she could remain independent. In May, a rumor reached him that the United States had sent a representative to Mexico with instructions to acquire California, and he feared that the western boundary of Texas would be determined upon in this connection without his having a voice in the matter.<sup>101</sup> He therefore informed William S. Murphy, the United States agent in Texas, that he saw possibilities of extending the boundaries to include Oregon, and he predicted that within thirty years an independent Texas would control the Pacific Coast from the peninsula of Lower California to the mouth of the Columbia River. Thus, with a coast line on both sides, she would be able to control the trade of the continent, and would be a rival for any nation in existence.<sup>102</sup> The only difficulty at that time, according to his opinion, was the lack of population; but this, he felt, would soon be overcome. Upon retiring from the presidency, he declared in his farewell message that “if we remain an independent nation, our territory will be extensive—unlimited. The Pacific alone will bound the mighty march of our race and our empire. From Europe and America her soil is to be peopled.”<sup>103</sup>

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<sup>99</sup> Houston *Morning Star*, January 18, 1844.

<sup>100</sup> *Ibid.*, June 5, 1845.

<sup>101</sup> Houston to Van Zandt and Henderson, May 10, 1844, in Garrison (ed.), *Diplomatic Correspondence*, II, 278.

<sup>102</sup> Houston to Murphy, May 6, 1844, in Crane, *Life and Literary Remains of Sam Houston*, 369.

<sup>103</sup> Houston's Farewell Message, December 9, 1844, in *Republic of Texas, Executive Records*, Book 40, p. 385.

A month earlier, however, Anson Jones, the president-elect of the republic, was quoted as writing to Ashbel Smith, the Texan representative in France and Great Britain, that "Texas is satisfied with her present declared and acknowledged limits, and has no desire to extend them, if suffered to remain at peace within them."<sup>104</sup> One of the first proofs of the sincerity of this statement came during the first month of the new administration, when Jones refused to accept Duff Green as the consul for the United States at Galveston, on the ground that he was seeking a charter for a corporation "having in part for its object, the occupancy in behalf of Texas, of the Californias, and the Northern Provinces of Mexico, by means of an army aided by some sixty thousand Indian warriors, to be introduced from the United States upon our Western frontier."<sup>105</sup>

With the adoption of this policy, projects for the expansion of the republic of Texas beyond the boundaries claimed during its first year of independence ceased to appear. The reasons are not difficult to find. In the first place, the country was exhausted financially; but of greater importance was the fact that at about the same time that the aggressive movements were being brought to a disappointing end, political events in the United States were shaping themselves favorably toward annexation. This had now become the interest-absorbing question for the Texans, and expansion was forced to the background.

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<sup>104</sup> Houston *Morning Star*, November 9, 1844.

<sup>105</sup> Allen to Donelson, January 4, 1845, in Garrison (ed.), *Diplomatic Correspondence*, II, 333.

## CHAPTER VI

### TRANSITIONAL STAGE OF NATIONAL JURISDICTION, 1845-1848

Thus far the question of Texan jurisdiction had developed into nothing more serious than the unsuccessful efforts of a revolutionary state to enlarge its area at the expense of its more passive neighbors. As a boundary controversy, therefore, it had assumed scarcely more than a local significance because of the apparent ability on the part of the officials of New Mexico and the army of the Mexican government to repel the Texan incursions. But its nature was rapidly changing. From the beginning of the Texan revolution, the predominant Anglo-American element had courted the favor of the United States, with the ultimate aim of annexation. Although that power appeared indifferent for a time, later events proved that it was simply waiting until annexation could be accomplished without too much display of haste. The question had remained in abeyance from 1838 until President Tyler found an opportunity to renew it in 1843, and within two years the necessary preliminary steps were taken. The account of the events and negotiations which finally culminated in the accomplishment of the annexation has been too thoroughly worked out to merit its being told again,<sup>1</sup> but it is necessary to consider certain features in view of subsequent developments.

*Annexation of Texas and the open boundary.*—When the proposed treaty of annexation was pending in the United States

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<sup>1</sup> See Smith, *The Annexation of Texas*, and Garrison, "First Stage of the Movement for the Annexation of Texas," *American Historical Review*, X (1904), 72-96. Briefer accounts from the point of view of special phases may be found in Adams, *British Interest and Activities in Texas*, and Reeves, *American Diplomacy under Tyler and Polk*.



Senate, Tyler explained the absence of any express definition of boundaries by saying, "It is only after acquiring Texas that the question of boundaries can arise between the United States and Mexico—a question purposely left open for negotiation with Mexico as affording the best opportunity for the most friendly and pacific arrangements."<sup>2</sup> In the debates, however, an inclination was shown to construe the absence of specifications as an implied acquiescence in the boundaries as claimed by Texas, and, even among the supporters of annexation, this was held to be an injustice to the Mexican government.<sup>3</sup> In order to remove all grounds for uncertainty, Senator Thomas H. Benton made an unsuccessful effort to have the boundary definitely designated as "in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of the Rio del Norte, and to latitude forty-two degrees north."<sup>4</sup>

The rejection of the treaty, of course, brought this discussion to an end, but the joint resolution of March 1, 1845, proposing annexation, specifically left the question open by providing that the state of Texas was "to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other governments." Texas was to hold her public lands for the payment of her debt, and provision was made for later subdivision into not more than four states, with the line of the Missouri Compromise to be adhered to in connection with slavery.<sup>5</sup> This last provision was a direct implication of the United States to accept the fact that the boundaries of Texas were not definitely established on the west, because the Missouri Compromise could have caused no divisions of Texas so long as

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<sup>2</sup> Tyler's Message to Congress, June 10, 1844, in Richardson (ed.), *Messages and Papers of the Presidents*, IV, 324.

<sup>3</sup> See speech of Senator Woodbury, June 4, 1844, in *Cong. Globe*, 28 Cong., 1 sess., appendix, 768 ff., and of Senator Benton, June 15, *ibid.*, appendix, 608.

<sup>4</sup> *Ibid.*, 702.

<sup>5</sup> *Cong. Globe*. 28 Cong., 2 sess., 362-363.

it was kept within the old boundaries, while the limits as claimed by the government of the Republic of Texas would include territory north of the line.

In Texas a certain amount of dissatisfaction was shown toward the terms of this resolution. Two points were brought up. It was felt that the United States should have assumed the public debt of the republic; and second, there was a question as to whether the boundaries as specified by the Texan Congress were guaranteed by the terms of annexation. To Houston, especially, definite stipulations on these points seemed advisable,<sup>6</sup> and he told Andrew J. Donelson, the commissioner from the United States, that a provision should be added specifying that

if the U. States should hereafter vary her [Texas'] boundary or limits as at present defined by contracting or reducing them, that they should indemnify the citizens of Texas by payment, for any lands, which they may hold by locations under the laws of Texas, in the territory abandoned by the U. States, at the minimum price of the government lands at this time in the U. States.<sup>7</sup>

A further suggestion was made by a group under the leadership of James S. Mayfield, namely, that when the ratification convention met, amendments to the terms should be adopted.

To check this action, Donelson urged that, rather than resort to amendments, time should be allowed for relief of the political tension, and then the "high sense of honor and magnanimity" of the people of the United States would insure justice for Texas.<sup>8</sup> President Polk wrote to Houston that he need have no apprehensions in regard to the boundary, because the United States would not allow the Texan rights of territory to be sacri-

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<sup>6</sup> Donelson to Buchanan, April 12, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, p. 39; Donelson to Calhoun, April 24, 1845, in Jameson (ed.), *Correspondence of John C. Calhoun*, 1030-1031; see also Rives, *The United States and Mexico*, I, 712-713.

<sup>7</sup> Houston to Donelson, April 9, 1845, in *Miller Papers*, Texas State Library.

<sup>8</sup> Donelson to Allen, March 31, 1845, *ibid.*, 35-36.

ficed;<sup>9</sup> and to Donelson, the president said: "Of course I would maintain the Texian title to the extent which she claims it to be, and not permit an invading enemy to occupy a foot of the soil East of the *Rio Grande*."<sup>10</sup> Mayfield did not have an opportunity to bring up his plan in the convention, and in order to prevent him from using it as an argument before the popular vote on the ratification of the convention's action, he was now assured by Donelson, in an unofficial communication, that he might look with confidence to Polk as ready to uphold the Rio Grande boundary claim, "and that no expression from Texas is necessary to stimulate his exertions."<sup>11</sup>

The government of the United States did not have long to wait for a boundary question to arise. When it had become evident that annexation was probable, the Mexican government had announced that such an act would be regarded as equivalent to a declaration of war.<sup>12</sup> Therefore, upon the passage of the annexation resolution by the United States Congress, Almonte, the Mexican minister at Washington, requested his passports.<sup>13</sup> This attitude led the Texan authorities to demand of Donelson some assurance that the assistance of the United States troops could be counted upon in case the adoption of the terms of annexation brought an invasion from Mexico.<sup>14</sup> Ample protec-

<sup>9</sup> Polk to Houston, June 6, 1845, in *Polk Papers*, Library of Congress. I am indebted to Professor E. I. McCormac for permission to use a copy of this letter which is in his possession.

<sup>10</sup> Polk to Donelson, June 15, 1845, in Sioussat (ed.), "Letters of James K. Polk to Andrew J. Donelson," *Tennessee Historical Magazine*, III (1917), 68. This letter says "the Mexican title," but a copy in the possession of Professor McCormac, taken from the original in the *Polk Papers*, Library of Congress, shows that Polk wrote "Texian."

<sup>11</sup> Donelson to Mayfield, July 11, 1845, quoted in Smith, *Annexation of Texas*, 457-458.

<sup>12</sup> Bocanegra to Thompson, August 23, 1843, in *House Ex. Docs.*, 28 Cong., 1 sess. (Ser. 439), no. 2, p. 29.

<sup>13</sup> Almonte to Calhoun, March 6, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, pp. 130-131.

<sup>14</sup> Allen to Donelson, May 19, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, pp. 48-49; Donelson to Buchanan, June 4, 1845, *ibid.*, 54.

tion was promised,<sup>15</sup> but the course of events had, in the meantime, made necessary an examination of the Texan boundary claims in order to determine what would constitute an invasion of Texan territory. President Jones asked that the troops be sent to occupy the region between the Nueces and the Rio Grande, as it was believed that Mexico was concentrating troops on the Rio Grande within the territory claimed by Texas.

But before it was possible to take any action on this request, new complications had arisen. Great Britain and France were earnestly opposed to the annexation policy of the United States, and their agents in Texas had begun to work upon the theory that, if Mexico could be induced to recognize Texan independence, the government and people of that republic would reject any overtures from the government to the north.<sup>16</sup> The British foreign office expressed its willingness to guarantee the limits of Mexico in return for the recognition of Texan independence,<sup>17</sup> and in November, 1844, the Mexican government agreed to yield its claim over the territory from the Sabine to the Colorado rivers, and to mark out definite boundaries between itself and Texas in the interior. An indemnity was demanded from Texas, however, in addition to a guaranty from both Great Britain and France that under no pretext should the Texans ever pass the boundaries thus decided upon, as well as a promise from those same powers to assist Mexico in any contest which might follow in connection with her northern boundaries.<sup>18</sup>

<sup>15</sup> Donelson to Allen, June 11, 1845, *ibid.*, 57.

<sup>16</sup> Elliot to Aberdeen, May 10, 1844, in Adams (ed.), "Correspondence in the British Archives concerning Texas," *Southwestern Historical Quarterly*, XVIII (1915), 313-314.

<sup>17</sup> Adams, *British Interests and Activities in Texas*, 168-169.

<sup>18</sup> Santa Anna's statement, in Adams (ed.), "Correspondence in the British Archives Concerning Texas," *Southwestern Historical Quarterly*, XX (1916), 58. See also Bankhead to Aberdeen, November 29, 1844, *ibid.*, 55-57, together with Adams, *British Interests and Activities in Texas*, 188, and Smith, *Annexation of Texas*, 406.

Realizing the futility of offering such terms to the Texans, the agents renewed their efforts, and in March, 1845, Charles Elliot, one of them, received permission from the Texan government to submit to Mexico certain conditions which were to be considered as necessary preliminaries to any steps toward recognition and a treaty of peace.<sup>19</sup> Mexico was to consent to acknowledge the independence of Texas in return for a stipulation from the latter that she would not annex herself to any other power, while the matter of limits was to be arranged in the final treaty, and Texas declared herself willing to remit all disputed points respecting territory and other matters to the arbitration of umpires.<sup>20</sup> These conditions were accepted by Mexico,<sup>21</sup> and Jones now determined to submit to his people the alternatives of annexation to the United States or independence under the protection of Great Britain. He therefore issued a proclamation suspending hostilities, and thus left Mexico in possession of the entire New Mexico region, as well as of some points in the lower Rio Grande district, all of it territory which Texas claimed, but in which she had as yet established no permanent posts. But by this time the British government had assumed the position that it would scarcely be just to Mexico to countenance the demand by Texas of a line of frontier to which it obviously had little actual right, and could at best claim merely on the grounds of expediency.<sup>22</sup> Its representatives were therefore unable to assure Texas of further support in the question of boundary.

This was the situation which Donelson faced when he took up the request of Jones concerning the territory to be occupied

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<sup>19</sup> Adams, *British Interests and Activities in Texas*, 197-218.

<sup>20</sup> *Ibid.*, 210. See also enclosure in Donelson to Buchanan, June 18, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, p. 71.

<sup>21</sup> De Cyprey to Jones, May 20, 1845, *ibid.*, 70-71.

<sup>22</sup> Aberdeen to Elliot, May 3, 1845, in Adams (ed.), "Correspondence in the British Archives concerning Texas," *Southwestern Historical Quarterly*, XX (1916), 164.



by the American troops. Under these circumstances he was compelled to take the stand that since the proclamation of a truce had left Mexico in possession of the territory in question and had failed to impose any conditions for forcible means of maintaining Texan jurisdiction as far as the Rio Grande, the claims of Texas to that region had been compromised. He was thus forced to leave the boundary question for negotiation, rather than acquiesce in the requests of the Texan government, because occupation would mean the taking of a position to make war for the Texan claims, in the face of the acknowledgment on the part of the government that they could be settled by negotiation. He therefore proceeded to offer protection only to that portion of territory actually possessed by Texas. And concerning this actual possession, he reported to his government that,

It was apparent that no military expedition within the power of Texas to start, at this late period, could have placed the entire question of limits beyond the necessity of future negotiation, after the acceptance of our proposals. . . . Above the point of the Rio Grande where the boundary enters New Mexico, there has been no occupancy by Texas; and it is obvious, so far as that region is concerned, no military movement could have taken it out of the category in which it is left by the terms of our joint resolution. So, whatever may have been the success of the attempt to drive the Mexicans from Laredo and other lower points, the difficulty would have remained the same in regard to the extensive Santa Fe region above.<sup>23</sup>

Thus the Texan claim to the Rio Grande boundary in the New Mexico region, by right of occupation, was effectively refuted by one of the men most interested in its extension. Furthermore, the president of Texas, himself, by his method of issuing the proclamation for a cessation of hostilities, had compromised the right to the lower Rio Grande as a boundary. Donelson refused to admit, however, that these claims ought not to be upheld, and took every opportunity to satisfy the Texans "that the

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<sup>23</sup> Donelson to Buchanan, July 11, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, pp. 88-93.

United States would, in good faith, maintain the claim." His hope was that the invasion which had been threatened by Mexico would be attempted, so that the United States troops might have an excuse to take possession of the territory in "self defense." Without such an invasion they had no right to occupy positions farther west than Corpus Christi, and all other points up the Nueces, and such were Donelson's suggestions to General Zachary Taylor, the commander of the army of occupation.<sup>24</sup> This point of view was also taken by the United States government, and Taylor was instructed to occupy and defend the territory to the Rio Grande to the extent that it had been occupied by the Texans, specifically excepting any territory or posts which were in the actual occupancy of Mexican forces, and any Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the time of annexation, or shortly before that event.<sup>25</sup>

In the event that the anticipated invasion should fail to materialize, however, Donelson advanced a series of reasons on which the claims appeared to him to be defensible. These were based on: (1) the revolutionary right of the people of Texas to resist oppression, and to enforce such a political organization as they deemed necessary; (2) the concessions made by Santa Anna in the treaty of Velasco; (3) the capacity of Texas to enforce her claims; (4) the Louisiana Purchase claims of the United States; and (5) the necessity of the Rio Grande as a defensible frontier between the two nations, because of the inability of the Mexican government to enforce its authority among the Indians east of that stream.<sup>26</sup>

Donelson did not seem to realize that of the five reasons which he advanced, he had himself, in the very same letter,

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<sup>24</sup> Donelson to Taylor, June 28, 1845, *ibid.*, 93.

<sup>25</sup> Marcy to Taylor, July 8, and July 30, 1845, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, pp. 82-83.

<sup>26</sup> Donelson to Buchanan, July 11, 1845, in *House Ex. Docs.*, 29 Cong., 1 sess. (Ser. 480), no. 2, p. 91.

refuted the statements in the two concerning the powers of Texas to enforce her jurisdiction over the territory in question, while General Santa Anna and the Mexican government had repudiated the treaty of Velasco; and the Louisiana Purchase claim had been rendered a dead issue by virtue of the treaty of 1819. This left only the fifth, which was the most plausible suggestion, and which, singularly enough, was based, not upon the rights and claims of Texas, but upon the necessity of self-defense on the part of the United States. But annexation had been accepted by the Texans while this correspondence was under way, and, with the boundaries still unsettled, the United States government had now inherited the Texan side of the question. Accordingly, the Texan revolutionary plans of territorial extension had become the basis for international negotiations which were to be utilized in the expansionist movements of the Polk administration.

*Failure of Polk's efforts at negotiation.*—By electing James K. Polk to the presidency in 1844, the people of the United States virtually committed themselves to support a policy of extension of territory, but it is doubtful if many of them even dreamed that within the space of a single administration the entire area between the existing western limits and the Pacific Ocean would be added to the jurisdiction of their government. The addition of Texas and Oregon only had been promised by Polk, but before the close of 1845 new developments made it seem advisable to lay plans for a further accession of territory on the Pacific Coast. During 1841 Sir Richard Pakenham had suggested to his government that it would be easy to form a company in England for the establishment of an English colony in California, but he was discouraged by the Earl of Aberdeen, the British minister of foreign affairs. British agents naturally continued to report upon conditions in California during the next three years, however, and in 1844, the obstinacy of the

Mexican authorities with regard to the British and French efforts to secure a recognition of Texan independence irritated Aberdeen. In December, therefore, in reply to a letter concerning the possibility of a revolt from Mexican rule in California, he stated that he did not deem it necessary to inform the authorities in Mexico of the danger. To the British minister in Mexico, he wrote:

But it may be a matter of serious importance to Great Britain that California, if it shake off the rule of Mexico, should not place itself under the protection of any other Power whose supremacy might prove injurious to British Interests. . . . Keep your attention vigilantly alive to every credible report which may reach you of occurrences in California, especially with respect to the proceedings of the United States citizens settled in that Province, whose numbers are daily increasing, and who are likely to play a prominent part in any proceeding which may take place there, having for its object to free the Province from the yoke of Mexico.<sup>27</sup>

The fact that this did not become a permanent policy of the British government is immaterial at this point, because such a statement taken in connection with the belief in the United States that the motive behind the British and French activities in behalf of Texan independence was the desire to prevent annexation, led President Polk to feel that unless his government acted immediately, it would find itself forced to abandon the principles of the Monroe Doctrine. California must be prevented from becoming the possession of a European power!<sup>28</sup>

United States authorities had long been interested in California, but nothing had been done officially in that direction until during Jackson's administration.<sup>29</sup> The designs of Texas had augmented possibilities, and in 1842 the region was coupled with the attempts to secure a settlement of the indemnity claims

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<sup>27</sup> Aberdeen to Bankhead, December 31, 1844, quoted in Adams, *British Interests and Activities in Texas*, 249-250.

<sup>28</sup> Buchanan to Larkin, October 17, 1845, in Moore (ed.), *Works of James Buchanan*, VI, 275-277.

<sup>29</sup> Cleland, "Early Sentiment for the Annexation of California," *South-western Historical Quarterly*, XVIII (1914), 3-17.

held by citizens of the United States against the Mexican government.<sup>30</sup> But Mexico had steadily refused all offers, and the question had remained in the background, while the indemnity claims remained still unsettled. Polk saw an opening in the failure of the joint resolution providing for the annexation of Texas to make any definite specifications concerning the boundary. Complications were sure to arise with Mexico concerning the Texan claims to the Rio Grande boundary, and since that government had agreed to the proposal of Texas, to submit the question to arbitration, the administration believed that it would be possible to open negotiations, during which the entire northern boundary of Mexico might be brought up for consideration.<sup>31</sup>

There was one important obstacle to overcome. Immediately after the passage of the annexation resolution, the Mexican authorities had acted upon their warning that such a step would be considered as equivalent to a declaration of war and had suspended diplomatic relations with the United States. Polk's first task, therefore, in the accomplishment of his desire to secure an adjustment of boundaries and claims, was to effect the renewal of diplomatic relations with Mexico, in order that the ownership of the region between the Nueces and the Rio Grande, and of eastern New Mexico, might be settled by negotiation. As a preliminary step toward this end, William S. Parrott was sent to Mexico as a secret agent to ascertain if such a reëstablishment of relations would be possible. Upon receiving a favorable report from him, Polk formulated his plan of operation,<sup>32</sup> and John Slidell was named to undertake the commission.

<sup>30</sup> Rives, *The United States and Mexico*, II, 45.

<sup>31</sup> That President Polk was being watched suspiciously is indicated by the fact that the British agent in Texas informed his government that the chief impulse behind the actions of the United States government was the desire of a pretext for taking sudden possession of San Francisco Bay. Elliot to Aberdeen, August 31, 1845, in Adams (ed.), "Correspondence in the British Archives concerning Texas," *Southwestern Historical Quarterly*, XX (1917), 382.

<sup>32</sup> Quaife (ed.), *Diary of James K. Polk*, I, 33-35.



It was decided, however, first to obtain official information as to the attitude of the Mexican government. Accordingly, Secretary of State Buchanan instructed John Black, the United States consul at Mexico City, to "ascertain from the Mexican government whether they would receive an envoy from the United States, intrusted with full power to adjust all the questions in dispute between the two governments."<sup>33</sup> Black was informed by the Mexican minister of foreign relations that

although the Mexican nation is deeply injured by the United States, through the acts committed by them in the department of Texas, which belongs to this nation, my government is disposed to receive the commissioner of the United States who may come to this capital with full powers to settle the present dispute in a peaceable, reasonable and honorable manner.<sup>34</sup>

Since the Mexican Congress, in secret session, had given its sanction to this arrangement, Black felt that it was safe to plan for the opening of negotiations.<sup>35</sup>

It was later pointed out in the United States that if these two statements were compared carefully, it could be seen that the power and nature of the proposed envoy were given essentially different wordings by the representatives of the two governments. Buchanan's note said, "an envoy with full power to adjust all the questions in dispute," while the Mexican minister worded his note "a commissioner with full powers to settle the present dispute,"<sup>36</sup> and from the Mexican point of view, the "present dispute" had to do with the annexation of Texas, which was held to be a part of Mexico. After a conference with Parrott, who had just arrived from Mexico, Polk was

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<sup>33</sup> Buchanan to Black, September 17, 1845, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, p. 12.

<sup>34</sup> Peña y Peña to Black, October 15, 1845, *ibid.*, 16.

<sup>35</sup> Black to Buchanan, October 28, 1845, *ibid.*, 17.

<sup>36</sup> See Adams (ed.), *Writings of Albert Gallatin*, III, 563-565; also McElroy, *Winning of the Far West*, 138, where only one side of this correspondence is emphasized.

convinced that the Mexican government was ready to open negotiations,<sup>37</sup> and without further correspondence on the subject, Slidell was instructed to proceed to Mexico as envoy extraordinary and minister plenipotentiary, thus implying a complete resumption of the diplomatic relations between the two countries without additional efforts to reach an understanding. Moreover, instead of having his powers limited to the settlement of the Texan question, the State Department forbade his allowing the question of Texan independence to be called into the negotiations.

He was told that the principal objects of his mission were "to counteract the influence of foreign Powers, exerted against the United States in Mexico, and to restore those ancient relations of peace and good will which formerly existed between the Governments and the citizens of the sister Republics." The demands for a settlement of the indemnity claims were to be renewed by bringing them up in connection with the open question of limits; and concerning these limits, the instructions went into details as to possibilities. It was admitted that the claims of Texas to the upper Rio Grande as a boundary had not been supported by actual possession of the country, and therefore the United States government was willing to pay the claims held by her citizens against Mexico, in return for the settlement of the boundary along that stream in accordance with the Texan boundary act. If that part of New Mexico west of the Rio Grande could be obtained, five million dollars would be added, and further than this, twenty-five million dollars might be added to the amount of the claims in return for the cession by Mexico of the entire region westward to the Pacific Coast.<sup>38</sup>

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<sup>37</sup> Quaife (ed.), *Diary of James K. Polk*, I, 93.

<sup>38</sup> Buchanan to Slidell, November 10, 1845, in Moore (ed.), *Works of James Buchanan*, VI, 294-306. In answer to a resolution of Congress, demanding that these instructions be submitted to that body, Polk refused to comply. See *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 516), no. 25, pp. 2-3.

The reasons given for the last proposal are as follows:

From information possessed by this Department it is to be seriously apprehended that both Great Britain and France have designs upon California. . . . whilst this Government does not intend to interfere between Mexico and California, it would vigorously interpose to prevent the latter from becoming either a British or a French colony. You will endeavor to ascertain whether Mexico has any intention of ceding it to one or the other power; and if any such design exists, you will exert all your energies to prevent an act which, if consummated, would be so fraught with danger to the best interests of the United States. . . . The possession of the Bay and harbor of San Francisco is all important to the United States. The advantages to us of its acquisition are so striking, that it would be a waste of time to enumerate them here. If all these should be turned against our country, by the cession of California to Great Britain, our principal commercial rival, the consequences would be most disastrous. The Government of California is now but nominally dependent on Mexico; and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you shall use your best efforts to obtain a cession of that Province from Mexico to the United States.<sup>39</sup>

The offer of twenty-five million dollars was to be made for a boundary running due west from the southern extremity of New Mexico, or from any other point on its western boundary, to the Pacific Ocean, so as to include Monterey Bay. But if this could not be obtained, twenty million could be offered for a boundary which would include San Francisco Bay. It is significant to note that if the Mexican government indicated a willingness to give up her authority in that part of New Mexico which was claimed by Texas, Slidell was authorized to agree to the assumption by the United States government of the payment of the indemnity claims held by her citizens against Mexico. By the acceptance of this proposal alone, all the matters in dispute between the two governments would have been settled; and consequently Slidell's mission could have terminated without any question of the purchase of California being brought up for consideration.

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<sup>39</sup> Moore (ed.), *Works of James Buchanan*, VI, 304.

Slidell found, on his arrival in Mexico, that his mission was to be no easy one. The Herrera government was facing a critical situation, and any move which would lead to the reopening of diplomatic relations with the United States was likely to bring a revolution. Such being the situation, the minister of foreign relations informed him that, since he came in the office of a regular envoy, instead of as a special commissioner to negotiate concerning Texas, he could not be recognized by the Mexican government. Slidell remained in the Mexican capital from December, 1845, until the end of March, 1846, spending the entire time in futile efforts to obtain recognition, in order that he might conduct negotiations, first with the Herrera government, and then with the revolutionary administration of Paredes, which had superseded Herrera.<sup>40</sup> Both factions steadily refused to receive him in the status of a regularly appointed diplomatic agent, on the ground that such recognition would automatically terminate the Mexican claims to Texas.

When it became evident to Polk that his minister would not be received, and that thus his overtures for a peaceful adjustment of the difficulties were rejected, he decided upon war as the other alternative.<sup>41</sup> He was saved from the responsibility of taking the initial step in the actual hostilities, however, by the action of the Mexican troops. When General Taylor occupied Corpus Christi in August, 1845, he found few indications of activities on the part of the Mexican forces along the Rio Grande,<sup>42</sup> but in January, 1846, he was ordered to advance to the Rio Grande itself.<sup>43</sup> This advance was made in March, and the resentment of the Mexicans was at once aroused. General

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<sup>40</sup> For the correspondence between Slidell and the Mexican authorities, see *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, pp. 23-79.

<sup>41</sup> Quaife (ed.), *Diary of James K. Polk*, I, 354, 363, 382.

<sup>42</sup> See letters from Taylor to the Adjutant General of the Army, August 15 to November 19, 1845, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, pp. 98-115.

<sup>43</sup> Marcy to Taylor, January 13, 1845, *ibid.*, 90.

Francisco Mejía, commanding at Matamoros, issued a proclamation condemning the attitude of the United States in the annexation of Texas, and branding this new move as aggression. He said:

The limits of Texas are certain and recognized; never have they extended beyond the river Nueces; notwithstanding which, the American army has crossed the line separating Tamaulipas from that department. Even though Mexico could forget that the United States urged and aided the rebellion of the former colonists, and that the principle giving to an independent people the right to annex itself to another nation is not applicable to the case, in which the latter has been the protector of the independence of the former, with the object of admitting it into its own bosom; even though it could be accepted as an axiom of international law, that the violation of morality and justice might serve as a legitimate title for acquisition; nevertheless the territory of Tamaulipas would still remain beyond the law of annexation, sanctioned by the American Congress; because that law comprises independent Texas, the ground occupied by the rebellious colony, and in no wise includes other departments in which the Mexican government has uninter-ruptedly exercised its legitimate authority.<sup>44</sup>

Five days later the prefect of the northern district of Tamaulipas also protested against the occupation of a region in which the inhabitants had no desire to be separated from the Mexican government.<sup>45</sup> This was followed by a letter from Mejía, claiming that Taylor's march was not pacific, because of the fact that negotiations concerning the question of limits were in progress between the United States and Mexico, and to him it was "not easy to conceive the reason or justice of taking forcible possession of the very territory in dispute, pending the negotiation."<sup>46</sup> Early in April, General Ampudia arrived at Matamoros with a Mexican army, and he at once demanded that within twenty-four hours Taylor break camp "and retire to the other bank of the Nueces river, while our governments are regulating the pending question in relation to Texas. If you insist

<sup>44</sup> Mejía Proclamation, March 18, 1846 (translation), *ibid.*, 127-128.

<sup>45</sup> Cardenas to Taylor, March 23, 1846 (translation), *ibid.*, 131-132.

<sup>46</sup> Mejía to Taylor, March 31, 1846, *ibid.*, 1203-1204.



in remaining upon the soil of the department of Tamaulipas, it will clearly result that arms, and arms alone, must decide the question."<sup>47</sup>

To these protests Taylor replied that it was probable that the envoy from the United States had left Mexico because of the refusal of the Mexican government to receive him, and that in the meantime his command had been ordered to occupy the country up to the left bank of the Rio Grande until the boundary should be definitively settled.<sup>48</sup> The continual declarations of the Mexican officers that a state of war existed as a result of Taylor's advance led him to arrange for a blockade of the mouth of the Rio Grande as "a simple defensive precaution,"<sup>49</sup> and on April 24, he was informed by General Arista, who had assumed command of the Mexican forces, that hostilities had begun.<sup>50</sup> On the same day, Arista's troops began to cross the Rio Grande, and a scouting party of Americans was attacked, with sixteen casualties as the result.

News of this engagement reached Washington on the evening of May 9. But earlier in the same day the cabinet had agreed that on the following Tuesday the president should send to Congress a message asking for a declaration of war against Mexico on the basis of the grievances which had accumulated up to that time.<sup>51</sup> The message emphasized the fact that the wrongs perpetrated by Mexico upon citizens of the United States remained unredressed, and that the treaties in which Mexico had promised redress had been disregarded.<sup>52</sup> Attempts which had been made to bring about a peaceful adjustment had failed,

<sup>47</sup> Ampudia to Taylor, April 12, 1846 (translation), *ibid.*, 140.

<sup>48</sup> Taylor to Ampudia, April 12, 1846, *ibid.*, 139.

<sup>49</sup> Taylor to Ampudia, April 22, 1846, *ibid.*, 145-147; Taylor to Arista, April 25, 1846, *ibid.*, 1205-1206.

<sup>50</sup> Arista to Taylor, April 24, 1846, *ibid.*, 1204-1205.

<sup>51</sup> Quaike (ed.), *Diary of James K. Polk*, I, 384-386.

<sup>52</sup> Polk's Message to Congress, May 11, 1846, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, pp. 4-9.

because of the refusal of Mexico to receive an envoy from the United States who was clothed with authority to arrange for settling the differences existing between the two republics. Since Mexico was the offending power, this refusal could scarcely be considered in any other light than a denial that these differences could be settled peaceably, and therefore it was felt to be a sufficient cause for war.

This was the decision which had been reached in Washington, and the question of unredressed claims was considered to be the principal factor. As has been seen, however, the war had already been begun, not at Washington, but on the Rio Grande; and not upon the declaration of the United States, but of Mexican officials. Here the underlying factor was the feeling that, in annexing Texas, the United States had despoiled the Mexican republic of one of its provinces. The immediate question which precipitated hostilities was one which had grown out of the expansionist movement in the republic of Texas: namely, the fact that Texas as an independent government had laid claim to more territory than she had embraced under Spanish and Mexican rule. The authorities in the United States apparently believed sincerely that the Texan claims to the lower Rio Grande were sound, while the Mexican government was equally earnest in refusing to concede those claims. To Mexico, General Taylor was in Mexican territory, while from Polk's point of view American blood had been shed upon American soil; but the fact remains that, in refusing to conduct negotiations with Slidell, the Mexican officials had refused to accept an offer of a peaceable adjustment of the difficulties.<sup>53</sup> Much

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<sup>53</sup> I am well aware that this account does not agree with the usual statement that expansion, or the desire for California, was the cause of the Mexican war, but so far as actual evidence is concerned, there seems to be little foundation for such an interpretation. Since writing this particular portion of this study, I have seen Smith, *The War with Mexico*, I, 58-155, 315-330, and it is gratifying to find in his exhaustive narrative a confirmation of my own judgment.

has been written concerning the war which followed, and it is not within the scope of this study to go into that struggle, but because of the fact that certain phases of the operations as well as of the settlement made at its close have a direct bearing upon the subsequent status of the boundary claims of Texas, these must be considered.

*The American occupation of New Mexico.*—Polk's message asking for a declaration of war was submitted to Congress on May 11, and within forty-eight hours that body complied with his request. On May 13, Buchanan read in cabinet meeting the draft of his dispatch to notify the foreign powers of the declaration of war, and here the president's desire for California again enters. The secretary of state had written that in going to war the United States did not do so with a view to acquiring either California or New Mexico or any other portion of the Mexican territory, and to this Polk objected. In his diary for that day he wrote:

I told Mr. Buchanan that I thought such a declaration to Foreign Governments unnecessary and improper; that the causes of the war as set forth in my message to Congress and the accompanying documents were altogether satisfactory. I told him that though we had not gone to war for conquest, yet it was clear that in making peace we would if practicable obtain California and such other portion of the Mexican territory as would be sufficient to indemnify our claimants on Mexico, and to defray the expenses of the war which that power by her long continued wrongs and injuries had forced us to wage. I told him it was well known that the Mexican Government had no other means of indemnifying us.<sup>54</sup>

At the same time that the efforts to negotiate for the purchase of California were in progress, developments in that region were increasing the possibility of annexing it in much the same manner as Texas had been gained, and there was little necessity of making war for that purpose.<sup>55</sup> But Polk felt that, since

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<sup>54</sup> Quaife (ed.), *Diary of James K. Polk*, I, 396-397.

<sup>55</sup> Rives, *The United States and Mexico*, II, 37-45.

war had been started, this annexation could now be legitimately hastened, and so the formulation of plans to effect the conquest of California and New Mexico was immediately begun, in order that their ultimate cession by Mexico might be made a necessity when the time came for peace negotiations.<sup>56</sup> The Army of the West was organized at Fort Leavenworth, and placed under the command of Colonel Stephen W. Kearny, who was immediately promoted to the rank of brigadier general. Kearny received confidential instructions from Secretary of War William L. Marcy, directing him to establish temporary civil governments in both New Mexico and California, as soon as he had taken possession of any considerable portions of their territory, and to abolish all arbitrary restrictions that might exist in either, so far as it could be done with safety. He was to retain such of the officials as were willing to take the oath of allegiance to the United States, and to assure the people of the two provinces that the United States wished to provide for them, with the least possible delay, a free government similar to that which existed in its territories.<sup>57</sup>

Kearny set out at once for New Mexico, and on July 31, while in camp at Bent's Fort, he issued a proclamation to the citizens of New Mexico, announcing that the purpose of his invasion was to secure the union of that province to his government, and asking that the inhabitants remain peaceful.<sup>58</sup> Captain Cooke was sent into the province with this proclamation, and when his mission became known, Governor Armijo planned to oppose Kearny's advance. But his courage soon failed and he turned the government over to his lieutenant governor and fled. The result was that Kearny's conquest of New Mexico was

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<sup>56</sup> Quaife (ed.), *Diary of James K. Polk*, I, 400, 403-404, 438-439.

<sup>57</sup> Marcy to Kearny, June 3, 1846, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, p. 153.

<sup>58</sup> Kearny's Proclamation of July 31, 1846, *ibid.*, 168.

accomplished without bloodshed,<sup>59</sup> and, in accordance with his instructions, he at once set about establishing a civil government. In a proclamation of August 22, he announced his intention of holding "the department with its original boundaries (on both sides of the Del Norte), as a part of the United States, and under the name of the 'territory of New Mexico'." All the inhabitants were absolved from any further allegiance to Mexico, and Kearny declared himself to be the temporary governor in the absence of Armijo.<sup>60</sup>

Just one month after this preliminary proclamation, Kearny promulgated an "Organic Law of the Territory of New Mexico," which provided a civil government for the entire department, as well as a complete set of statutes;<sup>61</sup> and he then proceeded to appoint a governor and numerous minor officials, including a United States attorney.<sup>62</sup> He also provided for the election of a delegate to Congress, and, to all intents and purposes, New Mexico was a bona fide territory of the United States.<sup>63</sup>

Kearny had failed, however, to take into consideration the fact that the Ordinance of 1787, providing for the organization of new territories, gave to Congress the authority of establishing such territories, and of approving the appointments, made by the president, of their officials. When information concern-

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<sup>59</sup> Kearny to Wool, August 22, 1846, *ibid.*, 171. Numerous accounts of the conquest have been written, principal among them being Hughes, *Doniphan's Expedition*; Connelley, *Doniphan's Expedition*; Cooke, *The Conquest of New Mexico and California*; Cutts, *Conquest of California and New Mexico*; Twitchell, *The Military Occupation of New Mexico*; and Emory, "Notes of a Military Reconnaissance," *Sen. Docs.*, 30 Cong., 1 sess. (Ser. 505), no. 7.

<sup>60</sup> Kearny's Proclamation of August 22, 1846, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, pp. 170-171. In connection with the boundaries it is interesting to note that in reporting to the Adjutant General, Kearny gave the impression that the boundaries at the time of the conquest were meant. See Kearny to Jones, August 24, 1846, *ibid.*, 169.

<sup>61</sup> *Ibid.*, 177-229.

<sup>62</sup> *Ibid.*, 176.

<sup>63</sup> The best account of the government of this period is in Thomas, *Military Government in Newly Acquired Territory of the United States*, 101-158.



ing this action reached Washington, members of Congress naturally objected to such usurpation of their power by a military officer, and Kearny was promptly notified by the secretary of war that those portions of his code which proposed to confer upon the people of New Mexico political rights under the Constitution of the United States should not be carried into effect. It was explained, however, that, under the law of nations, the United States had the right to establish a civil government in the conquered territory, and he was expected to maintain such a government at this time, even though the territory could not be considered as permanently annexed to the United States so long as the war continued.<sup>64</sup> Kearny was therefore upheld in establishing the civil government and appointing the officials; but that part of his code which declared New Mexico to be a territory of the United States was not accepted, and the region was thus still under the supervision of the military authorities. This status was still in force when the final settlement of the national ownership of New Mexico was made at the end of the war; and during the intervening period events had brought about a definite official approval of the system.

In January, 1847, a revolt of the Mexican inhabitants of the department was begun because of dissatisfaction on the part of a few leaders.<sup>65</sup> During its progress, Charles Bent, the governor appointed by Kearny, was assassinated.<sup>66</sup> As soon as he was able to do so, Donaciano Vigil, the secretary of the territory, acting as governor, appealed to the State Department at Washington for a successor to be selected.<sup>67</sup> On account of the lack

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<sup>64</sup> Marcy to Kearny, January 11, 1847, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 521), no. 70, pp. 13-14.

<sup>65</sup> Davis, *El Gringo*, 94; Bancroft, *History of Arizona and New Mexico*, 431.

<sup>66</sup> See *Sen. Docs.*, 56 Cong., 1 sess. (Ser. 3878), no. 442, for a collection of the correspondence on the revolt.

<sup>67</sup> Vigil to Buchanan, February 16, 1847, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 521), no. 70, p. 19.

of jurisdiction, Secretary Buchanan turned this correspondence over to the War Department, and Secretary Marcy informed Colonel Sterling Price, who had succeeded to the command in New Mexico, that the filling of the office in question "appertains to the senior military officer, to whom the temporary civil officer is subordinate." He was therefore instructed that, if Vigil desired to be relieved from the duties of acting governor, he was to select whomsoever he deemed best fitted for the position, and duly invest him in the office.<sup>68</sup> Some months later Price appointed Vigil as governor,<sup>69</sup> and an uneventful administration followed, so far as New Mexico was concerned.

*The government's attitude on local jurisdiction.*—Throughout practically the entire period of the war, the United States authorities repeatedly found themselves facing a perplexing question of jurisdiction in connection with the territory lying east of the upper Rio Grande. And the course which was followed is a difficult one to trace. Congress apparently understood the state of Texas which had been admitted to the Union to extend beyond the Nueces, since on December 31, 1845, two days after the date of the act of admission, a collection district was established in Texas with Corpus Christi, west of the Nueces, named as a port of delivery. A government official was placed there to collect revenue, and a subsequent act provided for postal routes extending west of the Nueces.<sup>70</sup> An anomalous situation developed, however, when on March 18, 1846, the status of the United States consul at Santa Fé was changed to that of commercial agent "at Santa Fé, in the Mexican Republic,"<sup>71</sup> This would seem to imply a repudiation of at least a part of the Texan claims.

<sup>68</sup> Marcy to Price, June 11, 1847, *ibid.*, 32.

<sup>69</sup> Thomas, *Military Government in Newly Acquired Territory of the United States*, 128.

<sup>70</sup> *Sen. Jour.*, 29 Cong., 1 sess. (Ser. 469), p. 81.

<sup>71</sup> Bloom, "New Mexico under Mexican Administration," in *Old Santa Fe*, II, 354.

Furthermore, the instructions issued to Kearny were in direct opposition to the assumption that the Texan jurisdiction included the territory to the Rio Grande, for if that region required a military conquest to bring it under the control of the United States, and if the establishment of a temporary civil government was necessary, the only plausible conclusion was that the Texan government had not maintained her claims, and therefore the territory in question had not been transferred to the United States government through annexation. The proclamations issued by Kearny likewise ignored the Texan claims, but his announcement that he would retain possession of the territory on both sides of the Rio Grande as a permanent possession of the United States seems to have aroused more immediate opposition among certain disgruntled leaders in New Mexico, who had hoped for an opportunity to set up a government of their own west of the river,<sup>72</sup> than among the Texans themselves. Indeed, Timothy Pilsbury, who at the time represented the western district of Texas in Congress, said that, while he believed there had been some disorder in Kearny's proceedings, he was not particularly concerned about the government which had been established.<sup>73</sup>

But perhaps the most interesting revelation of the indefinite attitude of the government comes from President Polk himself. In his message of December 8, 1846, to Congress, he declared that the Texas which was admitted as one of the states of the Union was the same Texas for which the boundary act of 1836 provided.<sup>74</sup> This was a definite stand on the question, but it was virtually neutralized when, later in the same message, while telling of the progress of the war, he stated that the Mexican province of New Mexico with Santa Fé, its capital, had been captured.<sup>75</sup>

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<sup>72</sup> Benton, *Thirty Years View*, II, 683; Twitchell, *The Leading Facts of New Mexican History*, II, 230.

<sup>73</sup> *Cong. Globe*, 29 Cong., 2 sess., 16.      <sup>74</sup> *Ibid.*, 6.      <sup>75</sup> *Ibid.*, 8.

It was just at this time that Congress was making its objections to Kearny's usurpation of its powers in connection with the formation of territories, and the boundary question now became involved in the discussions in the House of Representatives as a part of the plans to condemn the establishment of civil governments in New Mexico and California. A resolution, introduced by Garrett Davis, of Kentucky, calling for the complete correspondence of the government with the military officers in the field,<sup>76</sup> precipitated the debate in which the source of such powers was being discussed. Attention was called to the inconsistency in the president's message in regard to the boundaries, and it was pointed out that, according to the statement there of the extent of the state of Texas, General Kearny had established a territorial government in the midst of a region which was already subject to a state government.<sup>77</sup> As a result of this disclosure an amendment to the Davis resolution was proposed, to ascertain whether the government established, or any part of it, was within the territory of the state of Texas.<sup>78</sup>

In the spirited discussions which followed, a Pennsylvania congressman held that there was nothing to support the Texan claim,<sup>79</sup> while a southern member suggested that the civil and political jurisdiction of Texas extended over the region in question, whether it had actually been occupied, or not.<sup>80</sup> These were the two extremes, and between them James A. Seddon, of Virginia, reverted to the fact that the resolution providing for the annexation of Texas had left the boundaries open to adjustment, and he argued that this very war was being fought for the purpose of forcing a settlement of those boundaries. He held that, if the New Mexico region belonged to Texas, the United States had merely recovered it from Mexico for her,

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<sup>76</sup> *Ibid.*, 12.<sup>78</sup> *Ibid.*, 18.<sup>80</sup> *Ibid.*, 22.<sup>77</sup> *Ibid.*, 16.<sup>79</sup> *Ibid.*, 21.

and had established a temporary government to maintain possession until it could safely be turned over to the owner.<sup>81</sup> That it was impossible as yet to settle the question by debate in Congress was pointed out by Andrew Johnson, of Tennessee, in summing up the discussion, when he showed that no two speakers had agreed upon any point in connection with the real jurisdiction of the territory.<sup>82</sup>

The Davis resolution was passed with the proposed amendment incorporated, but, in answer to the latter, President Polk evaded the question of boundaries involved, and informed Congress that the government established in the region in question was not intended to be permanent.<sup>83</sup> This simply deferred the settlement of the boundary situation until peace with Mexico could be negotiated, and Congress dropped the question for the remainder of the session.

In the interval before the establishment of peace, Polk was compelled to face the same question concerning the jurisdiction of the military government in New Mexico from another source. Information concerning the nature of Kearny's occupation of New Mexico reached the state officials of Texas through the newspapers of the country, and after looking in vain for a contradiction of the statement that the general government claimed the right of jurisdiction over the region as a conquered country, the authorities began to feel apprehensive concerning their claims. Accordingly, Governor J. Pinckney Henderson wrote to Secretary Buchanan, asking to be informed concerning the accuracy of the newspaper accounts, especially in regard to any claims of the general government to any portion of the territory lying within the limits of Texas as named in the boundary act of December 19, 1836. He solemnly protested

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<sup>81</sup> *Ibid.*, 23-26.

<sup>82</sup> *Ibid.*, 38-39.

<sup>83</sup> Polk's Message to Congress, December 22, 1846, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 520), no. 60, p. 150.



against any action on the part of the United States which might interfere with the rights of Texas, but concluded by saying:

Inasmuch as it is not convenient for the State at this time to exercise jurisdiction over Santa Fé, I presume no objection will be made on the part of the government of the State of Texas to the establishment of a territorial government over that country by the United States, provided it is done with the *express* admission on their part that the State of Texas is entitled to the soil and jurisdiction over the same, and may exercise her right whenever she regards it expedient.<sup>84</sup>

This letter reached Washington early in February. In the meantime information was also arriving concerning the attitude in Texas which had impelled the sending of the protest. Through their press, the Texans denounced the establishment of a separate territorial government over Santa Fé and the surrounding country as a violation of the "compact of annexation," and they professed inability to understand how Polk could reconcile his military movements with his assumption of the Rio Grande as the boundary. They argued that "Santa Fé is equally a part of our annexed territory (on this assumption) as that opposite Matamoras," yet General Taylor was sent to occupy and defend the latter as United States soil, while General Kearny was sent to conquer and establish a government over the former.<sup>85</sup> A spirit of this nature had to be placated, and in reply to Governor Henderson's letter, Polk assured him, as he had assured Congress the previous December, that the military government in New Mexico was only such as must necessarily exist under the laws of nations and of war to preserve order and to protect the rights of the inhabitants, and that it would automatically cease upon the conclusion of a treaty of peace with Mexico.

But he was now forced to take a stand upon the boundary claims, and he appeased the Texans by stating that nothing

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<sup>84</sup> Henderson to Buchanan, January 4, 1847, in *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 554), no. 24, p. 2.

<sup>85</sup> *Niles' Register*, LXXI, 305.

could be more certain than that the temporary government would never injuriously affect the right which he believed to be justly asserted by Texas to the whole territory east of the Rio Grande, whenever the Mexican claim to it should be extinguished by treaty. He now absolved himself from any further responsibility on the question by adding that the solution of the problem belonged more properly to the legislative than to the executive branch of the government.<sup>86</sup> This assurance had the desired effect in Texas, and, so far as the local boundary question was concerned, all moves toward securing a settlement were suspended until it could be determined what effect the war would have upon the international line of demarcation.

*The boundaries in the peace negotiations.*—But developments were in progress elsewhere. Although the war was still going on, definite steps were under way to bring it to a close. As early as July, 1846, the United States made the first overtures to Mexico for peace negotiation,<sup>87</sup> and in the following January the offer was repeated.<sup>88</sup> But the authorities in that country refused to consider such a proposal unless the raising of the blockade of Mexican ports and the complete evacuation of Mexican territory by the American forces should be accepted as a preliminary condition.<sup>89</sup> This was, of course, refused, but in April, Nicholas P. Trist was sent by the government to accompany General Scott's army, with a commission to open negotiations for peace as soon as an opportunity was presented. His instructions with regard to the territorial settlement were essentially the same as those which had been given to Slidell, and this was to constitute a *sine qua non* in the negotiation. In addition, however, Lower

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<sup>86</sup> Buchanan to Henderson, February 12, 1847, in *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 554), no. 24, p. 3.

<sup>87</sup> Buchanan to Mexican Minister of Foreign Relations, July 27, 1846, in Moore (ed.), *Works of James Buchanan*, VII, 40.

<sup>88</sup> Buchanan to Mexican Minister of Foreign Relations, January 18, 1847, in *Sen. Ex. Docs.*, 30 Cong., 1 sess. (Ser. 503), no. 1, p. 36.

<sup>89</sup> Monasterio to Buchanan, February 22, 1847, *ibid.*, 37.

California was to be included; but this was not made an ultimatum,<sup>90</sup> and it was practically ignored by Trist himself.

When the negotiations were finally begun, the Mexican government asked, as a counter proposal to the demands of the United States, that the Nueces be established as the international boundary, and Trist suggested that the region between the Nueces and the Rio Grande might be allowed to remain a neutral ground.<sup>91</sup> This was repudiated by the United States authorities on the ground that it would be a dismemberment of Texas.<sup>92</sup> It was also felt that, since both Texas and Mexico claimed that portion of New Mexico east of the Rio Grande, the question should be adjusted at this time. The Mexican government refused to negotiate further, and Trist soon afterwards received notice of his recall. He did not leave Mexico, however, and was soon approached by Mexican commissioners to renew negotiations in spite of his lack of official capacity. This he did, and the result was the treaty of Guadalupe Hidalgo, by which Mexico agreed to the ultimatum of Trist's instructions concerning boundaries, in return for which the United States agreed to pay her fifteen million dollars<sup>93</sup> and to assume the payment of the indemnity claim.<sup>94</sup>

When this treaty reached Washington, it was found to follow so closely the ideas of President Polk that he decided to overlook the fact that Trist had acted without authority, and submitted it to the Senate for approval.<sup>95</sup> After making a few insignificant changes, the most important of which was the modification of a provision dealing with the validity of Texan land grants, the Senate ratified the treaty, and it went into effect July 4, 1848.

<sup>90</sup> Buchanan to Trist, April 15, 1847, in *Sen. Ex. Docs.*, 30 Cong., 1 sess. (Ser. 509), no. 52, p. 82.

<sup>91</sup> Trist to Buchanan, September 4, 1847, *ibid.*, 201.

<sup>92</sup> Buchanan to Trist, October 25, 1847, *ibid.*, 94.

<sup>93</sup> Article XII, Treaty of Guadalupe Hidalgo, *ibid.*, 52.

<sup>94</sup> Article XIII, Treaty of Guadalupe Hidalgo, *ibid.*, 54.

<sup>95</sup> Quaife (ed.), *Diary of James K. Polk*, III, 345-350.

By the terms of this treaty the United States gained that for which it had entered the war—the settlement of the indemnity claims and the adjustment of the boundary. President Polk had been unwilling to conclude any treaty which did not provide for the addition of new territory on the ground that, since Mexico had forced the United States into the war, it was inconceivable that indemnity was not to be obtained from Mexico at the conclusion of hostilities, and, owing to the financial conditions in that country, territory was the only indemnity available.<sup>96</sup> Incidentally, therefore, California and western New Mexico had been gained and, in the boundary adjustment, Mexico had revoked all her rights to the territory claimed by Texas as an independent republic. Thus, from the point of view of the United States, the first question of a boundary between Texas and another government was solved. But the final settlement of the jurisdiction of the region had not yet been made.

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<sup>96</sup> Polk's Message to Congress, December 7, 1847, in *Sen. Ex. Docs.*, 30 Cong., 1 sess. (Ser. 503), no. 1, pp. 7-8.

## CHAPTER VII

### RENEWAL OF TEXAN ACTIVITIES UNDER THE UNITED STATES, 1848-1850

The terms of the treaty of Guadalupe Hidalgo inaugurated a new stage in the Texan expansionist movement. The international phase had culminated, and the acceptance by Mexico of the lower Rio Grande as the boundary had cancelled all rights of the provinces of Tamaulipas, Coahuila, and Chihuahua to territory north of that river. So far as this region was concerned, therefore, Texas was now securely in possession of the territory which had been claimed. But that portion of the treaty which provided for the cession by Mexico of New Mexico presented an entirely different situation. That entire province was now a part of the United States, and for the region northward from the point where the Rio Grande left New Mexican territory, there still remained to be solved the question which had been opened by the Texan boundary act of December 19, 1836. The expansionist movement had once more become an internal question; no longer, however, the efforts of an independent state to extend its boundaries, but the struggle of a new unit in a national federation to convince the central government that its boundaries had actually been extended, and that its right to the territory which it now claimed was unquestionable.

*Problems involved under the new government.*—The first problem which presented itself was that of ascertaining the attitude of the United States government, and in this both Texas and New Mexico were naturally interested. Before the



American military occupation of New Mexico, the boundary question had not seriously troubled the people of that department. The Santa Fé expedition had, of course, brought an awakening to the possibilities of an encroachment from the east, and its outcome left them opposed to the division of their province by Texas. But they had considered the issue to be between Texas and Mexico rather than between themselves and Texas, and had looked to the supreme government of Mexico to keep their domain intact. Consequently, for them the treaty meant that the Mexican government was no longer responsible for their territory, and, in spite of the declaration of General Kearny that he would hold the department with its original boundaries, they feared that the attitude of the new government under which they found themselves was favorable to Texas. These apprehensions were increased by the statements made by President Polk, and they began to feel that, unless they took active measures to assert their rights, they were facing territorial disintegration.

For the Texans also, as has been seen, the trend of events in connection with the occupation of New Mexico and the maintenance of the military government had brought uneasiness. This had been relieved for the time, however, by the president's stand in the letter to Governor Henderson, and Polk later explained to Congress that under the circumstances a postponement of the settlement was the most plausible solution. It would obviously be impracticable, if not impossible, to determine a boundary line between two nations while they were at war with each other. Therefore, in spite of the fact that New Mexico was under the control of the United States army, since it had never actually been occupied by Texas, and was still claimed by Mexico, it was not yet an undisputed portion of the United States; and even were the Texan claim admitted, no part of the disputed territory could be delivered to it until the international

question of ownership was settled.<sup>1</sup> This point of view, as well as the promise in the president's statement to Governor Henderson that the military government would legally cease to exist as soon as peace should be established, led to the expectation in Texas that the territory east of the Rio Grande would immediately be turned over to the jurisdiction of the Texan government. But practical conditions required the maintenance of some definite form of government over the newly acquired territory until a legalized civil government could be set up; for this reason the existing military control was allowed to continue, with no provisions for a change in the extent of its territorial jurisdiction.

In the establishment of a civil government for the acquisition, the problems to be met were numerous. In the first place, it was not expedient to attempt to establish a civil government in territory which was claimed by one of the states, while that claim was still unsettled. Moreover, while the territory east of the Rio Grande was conceded in executive circles to belong rightfully to Texas, the fact remained that no constituted authorities from the government of that state were on the ground to establish and maintain her jurisdiction. And since the Mexican population of the region was openly hostile, there was no alternative left for the United States army but to maintain control until either Texas or the central government acted, or else to withdraw, and thereby leave New Mexico in a state of anarchy and without control.<sup>2</sup> From the standpoint of the central government, the power to organize the civil government of the territories of the United States rested solely in Congress. In addition, the president had placed upon the legislative branch of the government the responsibility for settling the question

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<sup>1</sup> Polk's message to Congress, July 24, 1848, in *House Ex. Docs.*, 30 Cong., 1 sess. (Ser. 521), no. 70, p. 4.

<sup>2</sup> *Ibid.*, 4.

between the United States and the state of Texas. Congress had therefore become the potent force which was to determine the nature of the development of the vast southwestern area which had just been acquired, and at this particular period in the history of the United States, no question which came before Congress was able to remain free from entanglement with the all-pervading issue of slavery extension.

This one was to be no exception, for almost as soon as it became evident that the Mexican war would bring the accession of new territory, the slavery question was introduced by means of the Wilmot Proviso, which attempted to prohibit the extension of slavery to any territory which might be acquired with the funds then being granted to the president. The Proviso failed to pass, but it had the effect of bringing the southern congressmen to openly demand definite legislation establishing the right to carry slaves into any territory which was to be added or organized. The continual recurrence of the sentiment of the Proviso, not only during the war, but also after peace was established, brought a fear that it might ultimately succeed and limit all possibility of further extension westward by the slavery interests. This led to tactics of delay on the part of the slaveholders, and made impossible any agreement upon the organization of civil governments for New Mexico and California. The military government established by General Kearny therefore continued to hold control.

*The Texan movement to establish jurisdiction in 1848.*—As long as this state of affairs existed, the New Mexicans were apparently upheld in their boundary desires, and there was no incentive for immediate action on their part. But since Texas had expected to receive jurisdiction over the territory east of the Rio Grande, she was not inclined to acquiesce in the arrangement. Under the circumstances, therefore, it seemed necessary that she should take the first step toward securing a settlement

of the boundary question. No immediate action had followed the activities of Governor Henderson in January, 1847, because of the conciliatory attitude of the administration at Washington. But during its next session, the legislature of Texas began to act concerning western jurisdiction.

Early in the session, and even before the status of the territory between the Nueces and the Rio Grande was settled by the treaty of Guadalupe Hidalgo, the new counties of Nueces, Webb, Starr, and Cameron, all of them within this region, were created.<sup>3</sup> The actual work of organizing these counties had already been begun under the supervision of ex-President Lamar, who was now a captain of Texan troops stationed in the region, and considerable opposition had been encountered.<sup>4</sup> The terms of the treaty confirmed the legality of this action, but the legislation soon advanced another step. In a special message to the legislature, on March 2, 1848, Governor George T. Wood, who had succeeded Henderson, called attention to rumors of efforts to establish a state government in New Mexico, and asserted that, had the United States government assigned Texan troops to that region, such a move would never have occurred. He warned the legislators that silent acquiescence might be construed into a submission to unauthorized encroachments, and recommended that the legislature take some action so that the Texan representatives in Congress might feel authorized to protest against an infringement of Texan rights or a usurpation of any portion of her territory. In addition, he suggested that suitable steps be taken for the immediate enforcement of the civil and political jurisdiction of the state over the Santa Fé region.<sup>5</sup>

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<sup>3</sup> Gammel, *The Laws of Texas*, III, 18, 24, 26, 27, 484.

<sup>4</sup> Lamar to Bliss, July 10, 1847, in *Lamar Papers*, Texas State Library. The election returns for Nueces County showed a total of forty votes, and the list discloses the fact that thirty-seven of the voters possessed Spanish names.

<sup>5</sup> Tex. Legis., *Senate Jour.*, 2 Legis., 465-468.

Acting upon these recommendations, the legislature, on March 15, created the county of Santa Fé with the following boundaries:

Beginning at the junction of Rio Puerco, with the Rio Grande, and running up the principal stream of the Rio Grande to its source; thence due north to the forty-second degree of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain to the point where the one hundredth degree of longitude west from Greenwich, intersects Red river; thence up the principal stream of Red river to its source; thence in a direct line to the source of the principal stream of the Rio Puerco, and down said Rio Puerco to the place of beginning.<sup>6</sup>

This included practically the entire region of New Mexico to which Texas had laid claim by the boundary act of 1836, and was the first actual legislation since that act that directly affected the territory. Two weeks previously, a law had been passed providing for the control of the militia of the Santa Fé district,<sup>7</sup> and other acts were speedily passed, allowing the district one representative in the Texan house of representatives, and establishing the eleventh judicial district of the state, to be composed of the new county.<sup>8</sup> It was provided that court should be held twice a year at Santa Fé, and Spruce M. Baird was sent there to serve as judge for the newly created district, with additional instructions that part of his duty was to be the organization of the new county and the formal establishment there of the Texan jurisdiction.<sup>9</sup>

Besides this legislation, a resolution was adopted on March 20, which stated that, since the people of Santa Fé, which was an integral part of Texas, were believed to have attempted to

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<sup>6</sup> Gammel, *The Laws of Texas*, III, 95; see also Batts, "Defunct Counties of Texas," Texas State Historical Association, *Quarterly*, I (1897), 91.

<sup>7</sup> Gammel, *The Laws of Texas*, III, 50.

<sup>8</sup> *Ibid.*, III, 96; see also *Niles' Register*, LXXIV, 224.

<sup>9</sup> Davis, *El Gringo*, 110; *Niles' Register*, LXXIV, 211. Bancroft, *History of Arizona and New Mexico*, 455, follows the *Register* by giving this name as Beard, but his own correspondence shows that Baird is correct.



establish a separate government in direct violation of the rights of Texas, the government of the United States was to be requested to issue orders to the military officers at Santa Fé that they aid the officers of Texas in organizing the region, and in enforcing the laws of Texas in case resistance should be offered.<sup>10</sup> Governor Wood at once asked that this be done, "to the end that the State of Texas may in no wise be embarrassed in the exercise of her rightful jurisdiction over that territory."<sup>11</sup> After waiting what he considered a reasonable time for a reply, Wood wrote again in October, expressing the surprise of the people of Texas at the efforts of the United States government to deprive them of territory which had previously been conceded to them. He claimed that the sole reason for leaving the question of boundaries open at the time of annexation was that the United States "might not have to approach the settlement of her actual or prospective difficulties with Mexico, clothed with only a qualified and imperfect power of adjustment." In his opinion, the United States government was simply an agent and trustee for Texas, and as such it could not acquire a right to any territory within limits even claimed by Texas. He pointed out that for Texas the question was one of honor, since she was forced to look to her public domain as her only source of revenue for the payment of the debt she had contracted in the course of her revolution, and for this reason no measure to obtain any portion of her territory south of forty-two degrees or east of the Rio Grande, without ample compensation, would be considered.<sup>12</sup>

When it was learned in Santa Fé that Texas had begun a new movement to extend her jurisdiction over the territory, steps were taken by the authorities to arouse opposition among

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<sup>10</sup> Gammel, *The Laws of Texas*, III, 218-219.

<sup>11</sup> Wood to Polk, March 23, 1848, in *Austin State Gazette*, November 10, 1849.

<sup>12</sup> Wood to Polk, October 6, 1848, *ibid.*

the people. The principal newspaper of the region, the *Santa Fé Republican*, was controlled by the officers of the military government,<sup>13</sup> and through its columns an effort was made to bring about an exciting reception for Judge Baird. It said:

We would now inform our Texas friends that it is not necessary to send us a judge, nor a district attorney, to settle our affairs . . . for there is not a citizen, either American or Mexican, that will ever acknowledge themselves as citizens of Texas, until it comes from higher authorities. New Mexico does not belong, nor has Texas even a right to claim her as a part of Texas. We would so advise Texas to send with her civil officers for this country, a large force, in order that they may have a sufficient bodyguard to escort them back safe. . . . Texas should show some little sense, and drop this question, and not have it publicly announced that Texas' smartest men were tarred and feathered by attempting to fill the offices assigned to them.<sup>14</sup>

Baird started from Texas on May 24, 1848,<sup>15</sup> going by way of St. Louis,<sup>16</sup> and arrived in Santa Fé on November 10.<sup>17</sup> After investigating the situation, he wrote to Colonel John M. Washington, the commanding officer at Santa Fé, and ex-officio civil and military governor of New Mexico, expressing his surprise at finding the military authorities still in control there. He inquired if the government established by General Kearny had not come to an end with the ratification of the treaty with Mexico, thereby giving Texas the right to assume civil jurisdiction over the region. At the same time he presented his commission from Governor Wood, together with the laws upon which his authority was based, and added that for the future "the State of Texas must regard all judicial proceedings, and the exercise of all civil functions inconsistent with her laws and constitution, null and void."<sup>18</sup> Washington at once replied that

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<sup>13</sup> Washington to Baird, November 23, 1848, in *Santa Fé Papers*, Texas State Library.

<sup>14</sup> *Niles' Register*, LXXIV, 224.

<sup>15</sup> *Nacogdoches Times*, May 27, 1848.

<sup>16</sup> Baird to Miller, September 22, 1848, in *Santa Fé Papers*, Texas State Library.

<sup>17</sup> Baird to Miller, November 10, 1848, *ibid.*

<sup>18</sup> Baird to Washington, November 22, 1848; Baird to Miller, September 21, 1849, *ibid.*

the government established by General Kearny had been declared by the president to continue to exist after the ratification of the peace terms, and added that it was his intention to maintain its existence "at every peril" until ordered by either the executive or the legislative power of the United States to desist.<sup>19</sup>

On the following day he returned the documents which had been submitted by Baird, with an accompanying statement that when they appeared at the proper time before the proper tribunal they would undoubtedly receive consideration in the way of establishing the Texan claims. Then in reply to a suggestion from Baird that he (Baird) would publish a proclamation announcing the purpose of his mission, Washington stated that the press of Santa Fé "belongs to the General Government and must of course be under its control."<sup>20</sup> Baird now felt that further progress was blocked, and reported to the officials in Texas that he could do nothing until the question of jurisdiction was settled in Congress, or unless Washington received new orders from the president.<sup>21</sup> Consequently, he turned his attention to the natural resources of the region, and in company with seven other Texans and Americans, applied to the governor of Texas for authority to operate certain valuable saline deposits lying in the territory between the Rio Grande and the Pecos, below Santa Fé.<sup>22</sup> To Governor Wood he explained that this was for the purpose of recovering the financial loss he had suffered in going to Santa Fé. At the same time he submitted a report upon the conditions in the region, together with a suggestion for opening a direct route from San Antonio to Santa Fé in order to facilitate communications between the two portions of the state.<sup>23</sup>

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<sup>19</sup> Washington to Baird, November 22, 1848, *ibid.*

<sup>20</sup> Washington to Baird, November 23, 1848, *ibid.*

<sup>21</sup> Baird to Miller, December 10, 1848, *ibid.*

<sup>22</sup> McNees, Baird, and others to Miller, December 7, 1848, *ibid.*

<sup>23</sup> Baird to Wood, December 18, 1848, *ibid.*

He then began to make plans to leave Santa Fé early in the spring of 1849,<sup>24</sup> but in March the preparation, by some of the army officers stationed in New Mexico, of newspaper articles which he considered to be derogatory to the claims of Texas, led him to reopen a correspondence with Colonel Washington. He warned Washington that, if these were published, he would hesitate no longer to assert the Texan claims, and would inform the people of New Mexico as to the correct situation.<sup>25</sup> His subsequent reports indicate that the information which he planned to divulge to the people was the fact that they were being deceived concerning the real aims of the Texans, simply because the men who had "grown into officials in the breath of a moment, through the establishment of the Kearny government, were reluctant to give up the influence of the patronage which they now possessed."<sup>26</sup> In order to prevent this, Washington attempted to persuade Baird that the articles in question could not be considered as having any effect upon the Texan claims, and expressed a wish that the matter should rest until they could act jointly, "when the thing can be arranged without difficulty."<sup>27</sup> Baird proceeded, however, to print proclamations claiming exclusive jurisdiction for Texas,<sup>28</sup> but in the end allowed himself to be persuaded by the military governor to suspend their circulation until Congress could be heard from.<sup>29</sup> The absence of new instructions from his own government was also a factor in bringing about his decision to wait. His activities at this time, however, did have the effect of causing the suppression by Washington of the articles in question.<sup>30</sup>

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<sup>24</sup> Boyers to Miller, February 6, 1849, *ibid.*

<sup>25</sup> Baird to Washington, March 21, 1849, *ibid.*

<sup>26</sup> Baird to Miller, September 23, and October 20, 1849, *ibid.*

<sup>27</sup> Washington to Baird, March 21, 1849, *ibid.*

<sup>28</sup> Baird to Miller, November 6, 1849, *ibid.*

<sup>29</sup> Baird to Wood, March 30, 1849, *ibid.*; also in *Nacogdoches Times*, June 23, 1849.

<sup>30</sup> Baird to Miller, November 6, 1849, in *Santa Fé Papers*, Texas State Library.

The receipt of this information in Texas led Governor Wood to appeal once more to the chief executive of the nation. He reviewed the situation again, complaining of the failure of Polk to answer his earlier letters; urging President Taylor to offer to Baird such assistance as might seem consistent with the obligations of the federal government and the rights of Texas; and concluding with a request for an early reply in order that the views of the general government might be submitted to the Texan legislature in the following November.<sup>31</sup>

During the first week in April, Baird received indirect information which led him to believe that Congress had agreed to Texan jurisdiction over New Mexico, and he immediately notified Washington that all judicial proceedings under the military authorities would be void if continued under these circumstances.<sup>32</sup> He was once more prepared to proceed to accomplish the organization of the region, but once more Washington was equal to the occasion, and succeeded in persuading him to postpone action until the arrival of official information.<sup>33</sup> This left the advantage on the side of the military authorities when authentic reports disclosed the fact that Congress had failed to reach a decision, and once more Baird found himself waiting for a new opportunity to move.

In the meantime, his communications of the previous fall were beginning to reach the officials in Texas, and on April 14, Washington D. Miller, secretary of state in Texas, informed him that it was expected that the obstacles presented as a result of the military occupation would soon be removed. He was told to "labor to conciliate the people of that remote frontier," in order that they might be ready to consent to the organization

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<sup>31</sup> Wood to Taylor, June 30, 1849, in *Austin State Gazette*, November 10, 1849.

<sup>32</sup> Baird to Washington, April 5, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>33</sup> Washington to Baird, April 5, 1849, *ibid.*



of the region as soon as the military officials were out of the way.<sup>34</sup> A new proclamation for calling an election in Santa Fé County was forwarded to him, and on June 18 he prepared this for circulation. In it the people were informed of the legislative act creating the county, and were told that "henceforward, the civil and criminal jurisdiction over said county, legitimately, will be assumed and exercised by the authorities of the State of Texas only, and the citizens will be required to yield obedience thereto."<sup>35</sup> Before circulating the proclamation, however, he notified Colonel Washington of its receipt, and of his plans to issue writs of election immediately. In the personal conference which followed, Washington convinced him that he could not possibly make the returns of an election in time to prevent all except the votes for county officers from being null, and that this fact would have a bad effect upon those who voted.<sup>36</sup> He therefore agreed to suspend operations until he could be further advised,<sup>37</sup> and, in return, Washington assured him that nothing should be authorized by the military governor "which would wrongly prejudice the claims of Texas."<sup>38</sup>

Feeling that he had accomplished all that was possible under the circumstances, and relying upon Washington's assurances, Baird now decided to leave Santa Fé for a time. To his own government he reported that the men who were opposed to the claims of Texas in the region were "actuated solely from a desire to figure as public functionaries themselves," and that he therefore entertained no doubt as to his ability to effect organization

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<sup>34</sup> Miller to Baird, April 14, 1849, *ibid.*

<sup>35</sup> A copy of this proclamation is in the *Santa Fé Papers*.

<sup>36</sup> Baird to Miller, September 21, 1849, *ibid.*

<sup>37</sup> Baird to Washington, July 4, 1849, *ibid.*

<sup>38</sup> Washington to Baird, July 4, 1849, *ibid.* In reporting this answer to Miller, Baird says, "I felicitate myself that I am advanced in the Colonel's estimation since my first communication, from an Esquire to a Judge, and from that you may form perhaps a correct estimate of the rise of Texas stock during the winter." Baird to Miller, September 21, 1849, *ibid.*

under the jurisdiction of Texas when the military government established by Kearny should be removed.<sup>39</sup> In support of his opinion he stated that General Armijo, whom he considered as the leading man of the region, "espouses our cause with great zeal."

*Struggle for civil government in New Mexico.*—During this period the people of New Mexico had likewise become active. When it was found that the legislature which had been provided for in the Kearny code was powerless if any of its measures did not meet with the approval of the military commander, no effort was made to hold a second meeting, and dissatisfaction began to develop.<sup>40</sup> It was felt that the stipulations of the code and of the treaty of Guadalupe Hidalgo had given them the right to a civil government, and a movement was begun to have the military control replaced by a territorial form of government. The president had advised that they should live peaceably and quietly under the military government until Congress could act deliberately and wisely.<sup>41</sup> Senator Thomas H. Benton assumed a different point of view, however. In August, 1848, he addressed a letter to the people of both California and New Mexico, suggesting to them that, since they had no civil government, the best move to make would be to provide for themselves a simple form of government until Congress should provide one for them. He believed that they would need only a governor, judges, and peace and militia officers, and very little in the way of laws.<sup>42</sup>

Following this suggestion, a convention met at Santa Fé on October 10, 1848, and formulated a petition to Congress, asking for the establishment of a civil government of a territorial nature, and stating, among other subjects, that they were

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<sup>39</sup> Baird to Miller, September 21, 1849, *ibid.*

<sup>40</sup> Baird to Miller, September 23, 1849, *ibid.*

<sup>41</sup> Prince, *New Mexico's Struggle for Statehood*, 6.

<sup>42</sup> *Niles' Register*, LXXIV, 244.

opposed to slavery, and that they firmly protested against the dismemberment of their territory in favor of Texas, or for any other cause.<sup>43</sup> It was exactly one month later that Baird arrived in Santa Fé, and he reported that even then "the convention excitement was still alive, and there was much dissatisfaction as to the manner in which it had been gotten up and conducted, both among the Mexicans and Americans."<sup>44</sup> According to the accounts given to him by the people, the movement was planned in secret by those holding, or desiring to hold office under the military government. Only five days' notice was given for the election of delegates, and "poll books were made out and distributed to the various precincts headed with the names of those whose election was desired by the conclave." It was to this cause that Baird attributed the protest against the Texan claims. He accounted for the antislavery statement on the ground that discord in the convention caused the withdrawal of enough delegates to reduce the number below a quorum, and disappointment caused those remaining to draw up this resolution in the hope of enlisting the abolitionist sympathies on their side.<sup>45</sup>

But at the same time that these New Mexicans were engaged in formulating this petition, opposing the division of their territory, Secretary Marcy, following instructions from President Polk, was writing to the commanding officer of the United States forces at Santa Fé, to inform him that the national government had not contested the claim of Texas to all the territory east of the Rio Grande. He also stated that any civil authority which Texas had established, or might establish in the region, was to be respected, and in no manner interfered with by the military forces in that department, unless their aid might be needed to

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<sup>43</sup> *Cong. Globe*, 30 Cong., 2 sess., 33.

<sup>44</sup> Baird to Miller, September 30, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>45</sup> Baird to Miller, September 23, 1849, *ibid.*

sustain it.<sup>46</sup> In giving these instructions, Polk stated that he deemed them necessary because of the danger that the military officers at Santa Fé might come into collision with the authorities of Texas. He added also that he had not changed his opinion as expressed in his message of July 24, to Congress, concerning the right of Texas to jurisdiction over all that part of New Mexico east of the Rio Grande.<sup>47</sup> Two months later these same instructions were sent to General William J. Worth, who was in command of the eighth and ninth military departments, composed of Texas and New Mexico, respectively.<sup>48</sup>

But on March 4, 1849, a new administration came into power, and among the early acts of the new secretary of war, George W. Crawford, was the writing of a letter to the commanding officer at Santa Fé, reproving him for failure to report to the department concerning the management of affairs in New Mexico. He then repeated the instructions sent out by Secretary Marcy, concerning the boundary question, but added that it was not expected that Texas would undertake to extend her civil jurisdiction over the remote region designated.<sup>49</sup> This letter indicates that the new secretary was not informed as to the actual situation which had already developed in connection with the Texan activities of the previous year. A warning was added, however, that, in case Texas should make a move to occupy the region, the commanding officer should be careful not to come into conflict with her authorities, and should likewise refrain

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<sup>46</sup> Marcy to Commanding Officer at Santa Fé, October 12, 1848, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 573), no. 17, p. 261.

<sup>47</sup> Quaife (ed.), *Dairy of James K. Polk*, IV, 150-151.

<sup>48</sup> Marcy to Worth, December 10, 1848, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 573), no. 17, p. 271. The general orders of the War Department had made the division between the two departments a line running from the Rio Grande near El Paso, directly to the Red River at the mouth of Choctaw Creek, in the vicinity of the one hundredth meridian, thus dividing the territory claimed by Texas. See *House Ex. Docs.*, 30 Cong., 2 sess. (Ser. 537), no. 1, p. 178.

<sup>49</sup> Crawford to Commanding Officer at Santa Fé, March 26, 1849, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 573), no. 1, p. 272.

from expressing an opinion upon the validity of her claims. This meant a slight change from the policy of the preceding administration. Marcy's instructions had indicated that, if it seemed necessary, the military authorities were to aid in sustaining Texan jurisdiction, or, in other words, they were to remain neutral only so long as the Texan interests seemed to be safe.

While the Marcy instructions were still the order to follow, Colonel Washington had written to the adjutant general that "To avoid embarrassment in regard to recognizing the jurisdiction of the authorities of Texas over a large portion of this territory, it is very desirable that Congress should act in the matter before the demand is made."<sup>50</sup> He was already facing the problem as a result of the presence of Baird, and was divided between his interest in maintaining his position with the office-holders of the region, and the possible necessity of assisting Baird in accordance with the Marcy orders. His own inclinations apparently led more strongly toward the former; for this reason Crawford's letter absolving him from the responsibility of rendering assistance to Texas was a relief to him, even though he was to maintain a neutral position.

During the summer of 1849 the movement to obtain a civil government in New Mexico was renewed, and in September, in answer to a call issued by Lieutenant-Colonel Benjamin L. Beall, who was acting governor in the absence of Colonel Washington, a convention met at Santa Fé to draw up a new petition to Congress. Beall made this call in response to a series of resolutions drawn up on August 22, and presented to him by a group of Americans,<sup>51</sup> and on September 10, each of the seven

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<sup>50</sup> Washington to Jones, February 3, 1849, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 569), no. 5, p. 105.

<sup>51</sup> Accounts of these proceedings were copied from the *Santa Fé Republican* by Baird, and enclosed with Baird to Miller, October 20, 1849; in *Santa Fé Papers*, Texas State Library.



counties of New Mexico<sup>52</sup> named delegates, who were to meet on September 24. A considerable faction of the population, led by the military officers, was in favor of establishing a state government, but to this the civil officials were opposed, and here the influence of the instructions from the War Department was felt. The advocates of state government feared that the raising of the question at this time might bring a recognition of the Texan claims, and in order to decrease the probability of a forced connection with that state, they were willing to postpone action.<sup>53</sup>

This convention therefore declared itself in favor of a territorial, rather than a state form of government, drew up a territorial code of laws, and elected Hugh N. Smith, a Texan, as delegate to Congress, with instructions to get some sort of congressional action. The members voted that the dividing lines of counties should not be changed except by action of their own legislature. Their definition of the boundaries of the territory is significant. A resolution was passed instructing the delegate to Congress to define the territory as bounded on the north by the Indian territory, on the west by California, on the south by the boundary line between the United States and Mexico, and on the east by the state of Texas.<sup>54</sup> When it is recalled that to the leaders in New Mexico the question of how far to the west the state of Texas extended was one of the

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<sup>52</sup> By a decree of the Mexican government issued July 17, 1844, the department of New Mexico had been divided into the counties of Bernalillo, Rio Arriba, San Miguel, Santa Ana, Santa Fé, Taos, and Valencia, all of which included territory on both sides of the Rio Grande. *Sen. Ex. Docs.*, 30 Cong., 1 sess. (Ser. 505), no. 41, p. 478; also Bancroft, *History of Arizona and New Mexico*, 311-312. In the Bancroft Library is a "Map of New Mexico with Pueblos as noted by Calhoun, 1850," which shows the boundaries of these counties as conceived by James S. Calhoun, the United States Indian agent in New Mexico.

<sup>53</sup> Calhoun to Brown, November 2, 1849, in Abel (ed.), *Official Correspondence of James S. Calhoun*, 70.

<sup>54</sup> The proceedings of the convention are in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 573), no. 17, pp. 93-104; available also in *Historical Society of New Mexico, Publications*, no. 10.

important issues, this failure to specify a definite boundary on that side would indicate that the inhabitants were now ready to follow the suggestion which had been made by President Polk, and to turn the question of the disputed jurisdiction over to Congress to be settled.

Before any results could be obtained from this movement, President Taylor had announced himself as favoring the granting of statehood to both California and New Mexico. Acting upon this policy, Secretary Crawford wrote to Lieutenant-Colonel George A. McCall, who was leaving Washington to join his regiment in New Mexico, informing him that, if the people of New Mexico desired to take any steps toward securing admission as a state, it would be his duty, and the duty of others with whom he would be associated, "Not to thwart but advance their wishes," since it was their right to ask for admission.<sup>55</sup>

Two months later, in complying with a request from the House of Representatives for information on the subject of California and New Mexico, President Taylor took advantage of the opportunity to state his views officially, and here he expressed regret that New Mexico had not already been admitted as a state, in order that the boundary question with Texas might be settled by a judicial decision. Since that had not been done, he agreed with his predecessor that Congress alone possessed the power of adjustment, and he questioned the expediency of attempting to establish a territorial government there before making such an adjustment.<sup>56</sup> But Congress was already deeply involved in debate over the question, and this message had little effect, other than to furnish new fuel for discussion.

*The Question of control in the El Paso district.*—In spite of the attitude which was being manifested in New Mexico, new

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<sup>55</sup> Crawford to McCall, November 19, 1849, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 573), no. 17, pp. 280-281.

<sup>56</sup> Taylor's Message to Congress, January 21, 1850, *ibid.*, 3.

troubles over the jurisdiction were close at hand; for almost at the same time that the convention of September, 1849, was in session at Santa Fé, Major Jeff Van Horne, a new officer stationed opposite El Paso, was writing for information as to whether the laws of New Mexico should be enforced at his post. This region was included in the ninth military department, which had its headquarters at Santa Fé. Under Mexican control it had been in Chihuahua, and was now in territory which was included in the Texan boundary act of 1836. It was now a part of the county of Santa Fé, as organized by the Texan legislature, and a group of Texans under the leadership of R. Howard, who claimed to be a legally appointed surveyor for the Texan government, was busy locating Texan claims in the salt deposits of the region. These men claimed the exclusive right to use the salt, or to levy a tax on any others who used it, while at the same time the New Mexican prefect for this district was asking Van Horne to aid him in enforcing the collection of taxes there for New Mexico.<sup>57</sup> Being new to the district, Van Horne was not familiar with the facts of the controversy between Texas and New Mexico, nor with the instructions which had been issued, and he therefore refused to pass judgment until he could receive instructions from the commander of the department.

By the time his inquiry reached Santa Fé, Colonel Washington had been superseded as commander and ex-officio governor of New Mexico by Colonel John Munroe.<sup>58</sup> The new commander seems to have been as thoroughly ignorant of the situation, and of the attitude of the government, as was Van Horne himself. He sent the data to the adjutant general of the army, that it might be submitted to "the proper department of the government at Washington, with the view of having the question of

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<sup>57</sup> Van Horne to Munroe, September 23, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 56, p. 3.

<sup>58</sup> General Order No. 3, War Department, May 26, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 60, p. 2.

jurisdiction determined.”<sup>59</sup> Instead of waiting for a reply from the government, however, he wrote to Van Horne that, since there was a portion of the territory in question over which no civil authority had been established by either Texas or New Mexico, he deemed it advisable, in order that the people might have the protection of civil laws and magistrates, that the military authority should sustain the civil jurisdiction of the territory of New Mexico, and aid her officials in the execution of their duties until such time as Texas should assume civil jurisdiction, or until the boundary between Texas and New Mexico should be finally settled.<sup>60</sup>

It seems incredible that Munroe could not have had access to Secretary Crawford’s letter enjoining strict neutrality, but this letter to Van Horne indicates a complete lack of knowledge that such instructions had ever been issued to the department under his command. In answer to his letter to the adjutant general, he was curtly informed that “The jurisdiction over the soil east of the Rio Grande, claimed by Texas and New Mexico, cannot be settled by this department. The commanding officer must refer to and abide by instructions previously given on this subject.”<sup>61</sup> This letter and one from Munroe to the War Department, enclosing a copy of his instructions to Van Horne,<sup>62</sup> seem to have passed each other somewhere between Santa Fé and Washington, and the receipt of the latter by the department officials brought prompt action in the form of a caustic letter to Munroe, which virtually amounted to a reprimand for “manifestly assuming to decide the question of the territorial jurisdiction of Texas,” and informing him that “it is deemed necessary distinctly to repeat, for your guidance on this occasion,

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<sup>59</sup> Munroe to Jones, November 21, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 56, pp. 2-3.

<sup>60</sup> Munroe to Van Horne, December 28, 1849, *ibid.*, 4-5.

<sup>61</sup> Jones to Munroe, February 15, 1850, *ibid.*, 3-4.

<sup>62</sup> Munroe to Jones, January 3, 1850, *ibid.*, 4.

what the department has often stated, that the executive has no power to adjust and settle the question of territorial limits involved in this case."<sup>63</sup>

A glance at the dates of the letters in this set of correspondence will reveal the lack of promptness on the part of the government agents of this period, as well as some of the handicaps to which the officers in the remote outposts were subjected. Van Horne's letter to Munroe, asking for instructions, was written from the El Paso district, September 23, 1849. It was not forwarded from Santa Fé to the War Department until November 21, while it was not until December 28, that Munroe wrote his answer to Van Horne, and still another week passed before he sent a copy of this letter to Washington. In the meantime, until the arrival of Munroe's second letter, action was equally slow in Washington, for the answer to the letter of November 21, is dated February 15, 1850, and, in all probability, it did not reach Van Horne for at least six months after his request for instructions. Much could take place in that period of time; and as a matter of fact, much had happened before the correspondence ended.

*Activities of the Texan legislature in 1849.*—During the fall of 1849, while these developments were in progress in New Mexico, Texas had no official agent in the region. Baird was now in Missouri, and from there was sending reports to the officials in Texas concerning the results of his mission, together with such information as he could secure upon the course of events after his departure from New Mexico in July.<sup>64</sup> Earlier information which had come from him aroused considerable resentment in Texas, and in the campaign of 1849 for the elec-

<sup>63</sup> Jones to Munroe, March 8, 1850, *ibid.*, 5-6.

<sup>64</sup> These reports were made in seven letters to Washington D. Miller, Texan secretary of state, written at irregular intervals from September 21 to November 6, 1849, and are now in the *Santa Fé Papers*, Texas State Library.



tion of a governor, Wood was opposed for reelection by P. Hansborough Bell, who advocated action by Texas. Bell was elected, and almost immediately he began to receive applications for permission to raise companies of soldiers for the purpose of occupying New Mexico.<sup>65</sup>

In his final annual message to the Texan legislature, on November 6, 1849, Governor Wood referred to the opposition which Baird had received in New Mexico, but stated that no official report had been received from him at that time, nor had he received a reply to his letters to them from either Polk or Taylor.<sup>66</sup> This situation, he told the legislators, "imposes upon you the necessity of adopting energetic and efficient measures to protect the rights of your State and acquit herself of what is due to her honor and dignity." Since a previous effort to legislate Texas into possession had apparently failed, he felt that the question had now become one "with which there should be no temporizing, for the sooner the issue is made, the sooner will the question be adjusted." He recommended that the governor be given ample power and means to raise the proper issue and contest it, "not by demonstrating in argument the justice of our claims, nor by reference to our statutes, but with the whole power and resources of the State."<sup>67</sup> He also suggested that a commissioner be sent to Washington as soon as some plan should be adopted, in order to show the federal government that Texas was in earnest.

This portion of the message was submitted by the lower house of the legislature to its committee on federal relations, and this

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<sup>65</sup> Copies of these letters are in the *Santa Fé Papers*. By the fall of 1850, Bell had received dozens of such letters, many of them from other southern states. Most of them are checked as having been answered October 18, 1850, by C. A. Harrison, private secretary to the governor.

<sup>66</sup> This would indicate that Bancroft, *History of the Mexican States and Texas*, II, 398, is in error in stating that Wood was notified by the authorities at Washington that any attempt at forcible occupation of New Mexico would be considered as an intrusion.

<sup>67</sup> *Austin State Gazette*, November 10, 1849.

group, on November 13, reported a resolution giving the governor the power and means to send a special commissioner to Washington, to "ascertain the exact views of the Federal Government, in relation to the county of Santa Fé, in time to lay the same before the Legislature during their present session." Further action upon the subject was to be suspended until this report could be received.<sup>68</sup> Before action could be taken upon this resolution, the senate, on November 14, began the consideration of a resolution providing for a special joint committee of the two houses to prepare a protest against the further continuance of the military government at Santa Fé, to be laid before Congress.<sup>69</sup> This resolution was adopted, and was agreed to by the lower house on November 23.<sup>70</sup> Wood's plans for action were thus checkmated, in spite of the fact that newspaper comment upon his attitude was favorable at this time. Hopes were expressed that the legislature would comply with his recommendations,<sup>71</sup> while one editor went so far as to say that the "banner of the Lone Star shall be again unfurled; not for offence, but for defence, and those who were foremost to cry aloud for annexation, will be foremost to sever the country from a Union that embraces but to crush and destroy."<sup>72</sup>

Just at this juncture a letter from Major P. J. Pillans, whom Baird had left in charge of his affairs in Santa Fé, was made public in Texas. In it Pillans stated that the opposition to Texas in Santa Fé could never be overcome.<sup>73</sup> At the same time Baird's reports had begun to arrive, and in one of them he

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<sup>68</sup> *Ibid.*, November 17, 1849. No bound volume of the House Journals for the third legislature is available, but the *Gazette* printed the journals of both houses, in full.

<sup>69</sup> *Ibid.*, November 24, 1849; also *Tex. Legis., Senate Jour.*, 3 Legislature, 117.

<sup>70</sup> *Austin State Gazette*, December 1, 1849.

<sup>71</sup> See *Houston Telegraph and Texas Register*, *Austin State Gazette*, *Nacogdoches Times*, and *Marshall Texas Republican*, for this period.

<sup>72</sup> *Austin State Gazette*, December 1, 1849.

<sup>73</sup> *Ibid.*, December 29, 1849, quoting from the *Bonham Advertiser*.

stated that one of the secrets of opposition on the part of the people in New Mexico was a fear that grants of land which had been made previously would become void under Texan jurisdiction.<sup>74</sup> In order to counteract this feeling, the lower house of the legislature, on December 3, adopted a resolution looking toward the passage of a law under which the citizens of Santa Fé might be granted land within the limits of Santa Fé County as it then existed.<sup>75</sup> During this same week, however, news reached Texas concerning the New Mexican convention which had been called by Colonel Beall. Intense excitement was manifested, and an immediate forcible occupation of the region was advocated.<sup>76</sup> But Governor Wood's administration was too near its close for any definite steps to be taken, and his final act in the matter was the submitting of Baird's correspondence to the legislature, on December 11.<sup>77</sup> Baird, himself, had by this time become disheartened because of criticism of his work by the newspapers, and expressed his determination to resign as soon as possible.<sup>78</sup>

In his first message to the legislature, Bell referred to the repeated disregard by the federal authorities of the Texan rights in New Mexico, and agreed with Wood that the question should be brought to an issue at once. The failure of the legislature to support Wood's recommendations led him to suggest that it was not necessary that the whole power and resources of the state should be placed at the disposal of the governor, but that he should be authorized "to send to Santa Fé, if the necessity for doing so shall continue to exist, a military force *sufficient*

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<sup>74</sup> Baird to Miller, September 23, 1849, in *Santa Fé Papers*, Texas State Library.

<sup>75</sup> *Austin State Gazette*, December 22, 1849.

<sup>76</sup> *Ibid.*, December 8, 1849.

<sup>77</sup> *Tex. Legis., Senate Jour.*, 3 Legis., 223.

<sup>78</sup> Baird to Evans, December 11, 1849, in Marshall, *Texas Republican*, January 24, 1850.

to enable the civil authorities to execute the laws of the State in that part of the territory, without reference to any anticipated action of the Federal Government, or regard to the military power of the United States stationed at Santa Fé." In his opinion this force should be used only in case the citizens of Santa Fé continued reluctant to submit to the civil jurisdiction of Texas, after the military forces of the United States ceased to exercise such functions. He also concurred with Wood on the question of sending a commissioner to Washington, but felt that Texas should first decide upon the course to be pursued in case the mission proved futile, in order that the commissioner might at once make known the position of his state.<sup>79</sup> This same message also included a suggestion that the territory lying north of the parallel of thirty-six degrees, thirty minutes, be sold to the United States government for the purpose of liquidating the public debt of the state.<sup>80</sup>

The legislature now became active once more, and on December 31, 1849, new boundaries were designated for Santa Fé County, decreasing its size, and from the remainder of the original county, as organized in 1848, the three new counties of Presidio, El Paso, and Worth were created.<sup>81</sup> Presidio County was to include all the territory between the Rio Pecos and the Rio Grande, from the junction of the two rivers north to a line running straight northeast to the Pecos from a point on the Rio

<sup>79</sup> Bell's message to the legislature, December 26, 1849, in *Tex. Legis., Senate Jour.*, 3 Legis., 285-287; also in *Austin State Gazette*, December 29, 1849.

<sup>80</sup> Similar suggestions had been made previously by both Henderson and Wood, but these seem to have been for an indiscriminate sale of any unoccupied lands within the state. See Miller, *Financial History of Texas*, 118. Memucan Hunt, attorney for a number of creditors, in 1849 published a pamphlet entitled *The Public Debt and Lands of Texas*, and in this he seems to have originated the idea of selling a definite portion of the territory claimed by the state. For a reference to the pamphlet and a brief sketch of its contents, see *De Bow's Commercial Review*, VII, 273. A copy of the pamphlet itself is in the Bancroft Library.

<sup>81</sup> Gammel, *The Laws of Texas*, III, 462-463.

Grande where the Ford and Neighbors trail first touches that stream, "as defined by a map compiled by Robert Creuzbaur, date of 1849." This map shows the trail as striking the Rio Grande about one hundred miles south of El Paso.<sup>82</sup>

El Paso County included the territory between the two rivers from the northern boundary of Presidio County to a line extending from a point on the Rio Grande, twenty miles above the town of San Diego, due eastward to the Pecos. This line was also to form the southern boundary of Worth County, which was to cover the region northward to a line running directly east to the Pecos from a point on the Rio Grande twenty miles above the town of Sabine. The remainder of the region which had formerly been allotted to Santa Fé County was designated as the new County of Santa Fé.<sup>83</sup> The four counties were specified as the eleventh judicial district,<sup>84</sup> and in the reapportionment of representatives in the Texan legislature, the four were combined into one senatorial district, while Santa Fé County was allowed a representative in the lower house, and the other three counties together were given a representative.<sup>85</sup>

*The Neighbors mission in New Mexico.*—On January 4, 1850, an act was passed providing for the appointment of a commissioner to organize each county, by laying it off into convenient districts, or precincts, and by holding elections for county officers and notifying the proper state official of the result of these elections.<sup>86</sup> On the following day Governor Bell drew up an address to the citizens of these four counties, in which he explained that their territory had long been included in the limits of Texas, but that the necessity of centering her attention

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<sup>82</sup> The map is in Creuzbaur, *Guide to California and the Pacific Coast*. See also a letter from James S. Ford to the editor of the *Texas Democrat*, written June 18, 1849, *ibid.*, 3-4.

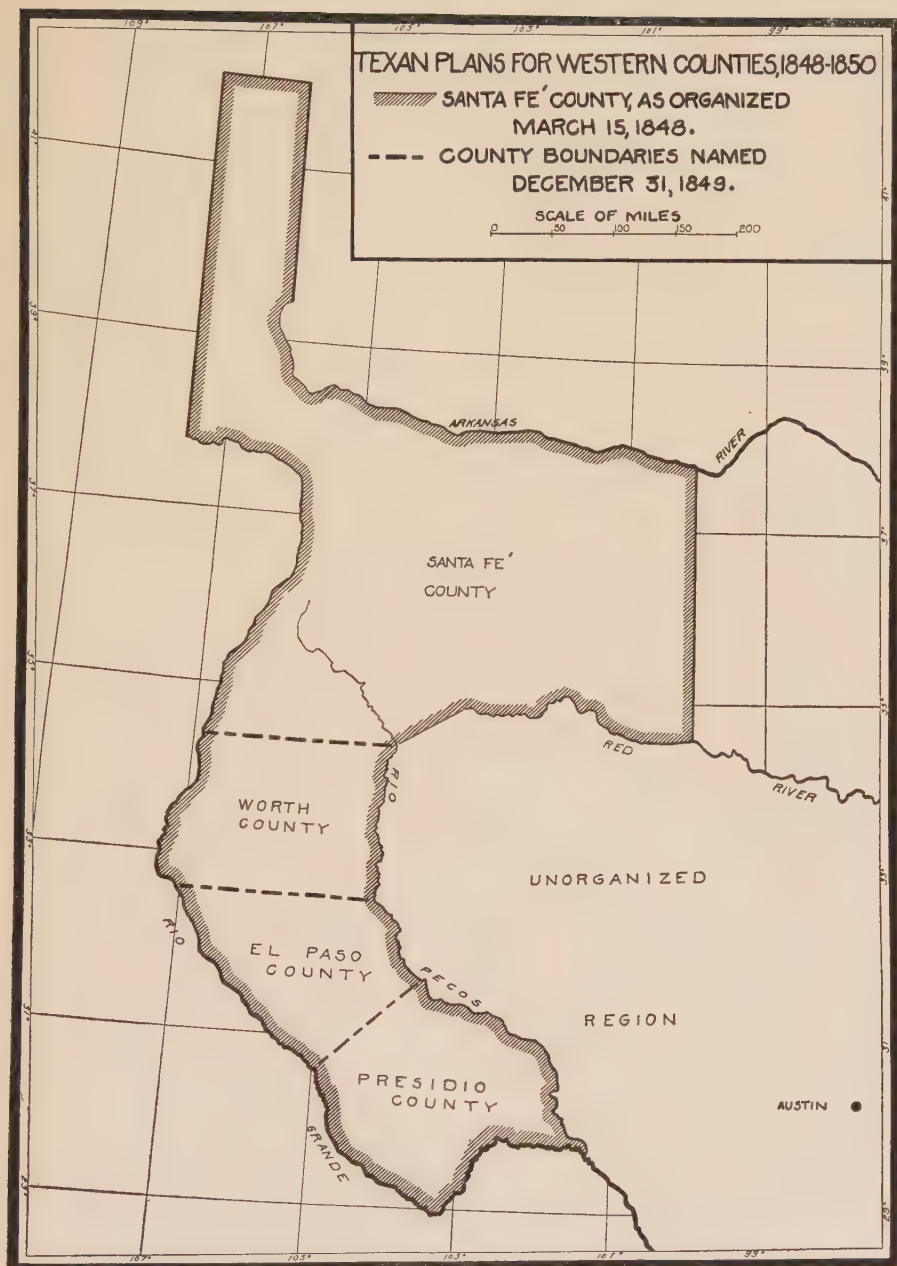
<sup>83</sup> Gammel, *The Laws of Texas*, III, 459-460.

<sup>84</sup> *Ibid.*, III, 462.

<sup>85</sup> *Ibid.*, III, 479, 481.

<sup>86</sup> *Ibid.*, III, 464-465.





Map 6



upon the struggle for independence had rendered it impracticable to organize the region earlier. Organization had now been provided for, and Robert S. Neighbors had been selected by the governor to carry it out, the principal motive being to extend to them the advantages which other Texans held; and they were therefore invited to "hold the most free and unrestricted intercourse with him and . . . to lend him such assistance and protection" as his presence among them might require.<sup>87</sup>

Neighbors was instructed to proceed as quickly as possible to the counties which were to be organized, and to circulate this address, which, it was thought, should prepare the people for ready acquiescence. His method of procedure upon arrival was explained, and he was especially warned that, while he should act with firmness and decision, he should also "observe that mildness and courtesy of manner which is so well calculated to inspire confidence and esteem, and remove all prejudices which may heretofore have existed in respect to the government, and our people as a race."<sup>88</sup> Neighbors was already familiar with the country which he was to organize, having been a special Indian agent for the United States government in the El Paso region, and he set out at once to begin his work.<sup>89</sup> His salary as commissioner was voted to him in advance.<sup>90</sup> At the same time the legislature resolved that all the territory east of the Rio Grande was included in the rightful civil and political juris-

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<sup>87</sup> Tex. Legis., *Senate Jour.*, 3 Legis., 2 sess., appendix, 69-71; also *Houston Telegraph and Texas Register*, March 7, 1850.

<sup>88</sup> Webb to Neighbors, January 8, 1850, in Tex. Legis., *Senate Jour.*, 3 Legis., 2 sess., appendix, 72-74.

<sup>89</sup> Bancroft, *History of Arizona and New Mexico*, 455, purports to give the personnel of the Neighbors party, but the party named was one which accompanied him in the spring of 1849, on one of his trips as Indian agent. See Ford to the editor of the *Texas Democrat*, June 18, 1849, in Creuzbaur, *Guide to California and the Pacific Coast*, 4.

<sup>90</sup> Gammel, *The Laws of Texas*, III, 773. Neighbors was later granted the sum of \$1256.51 to reimburse him for expenditures made while on this mission; *ibid.*, III, 786.

diction of the state, and that she was determined to maintain the integrity of this territory.<sup>91</sup>

Baird at once began to make preparations for returning to Santa Fé in order to be on hand to hold court as soon as Neighbors succeeded in organizing the region. Before leaving Austin, however, he submitted to Governor Bell a series of suggestions, covering numerous points which had been omitted in the plans for organization, and which he deemed to be necessary in order to gain the confidence of the people of that region. Among other things, he felt that the territory should have been divided into seven counties, corresponding with the ones then existing under the Mexican law; that the Pueblo Indians should be induced to settle on the frontiers; that the Mexican laws with regard to irrigation, mining, and herding cattle should be perpetuated; that the wood and the salt deposits should be reserved from private appropriation and declared to be the common property of the people for their free use; and that English schools should be established there to the full extent of the means that could be raised by Texas.<sup>92</sup> During his previous stay in the region he had apparently been studying the situation, but the officials in Texas failed to recognize the soundness of his suggestions, and therefore no changes were made in the plans for organization.

Neighbors reached El Paso about the middle of February, and began his work of organization there. On February 23, Major Van Horne reported to the authorities at Santa Fé that the Texan commissioner was busy holding elections and circulating messages from the governor of Texas.<sup>93</sup> Van Horne felt that, according to Munroe's instructions of December 28,

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<sup>91</sup> *Ibid.*, III, 645-646; also Bancroft, *History of the North Mexican States and Texas*, II, 399.

<sup>92</sup> Baird to Bell, February 27, 1850, in *Tex. Legis., Senate Jour.*, 3 *Legis.*, 2 sess., appendix, 74-81.

<sup>93</sup> Van Horne to McLaws, February 23, 1850, in Abel (ed.), *Official Correspondence of James S. Calhoun*, 163.

which were the last he had received, one of the two conditions had come upon which the civil jurisdiction of his command could be surrendered to Texas, and he therefore offered no opposition. On the same date, Neighbors himself wrote to Munroe, stating that, since he had found no opposition to the extension of the Texan jurisdiction in the El Paso region, he had issued writs of election, and expected to accomplish the organization there in a short time. He added that as soon as possible he would proceed to Santa Fé, and upon his arrival there would submit to Munroe his instructions from the governor of Texas, and ask for his "friendly co-operation in organizing all the territory belonging to this state, into counties, and to extend over the inhabitants, the civil laws of the state."<sup>94</sup>

One month later, he reported to Governor Bell that El Paso County was fully organized, and that the officers who had been elected had entered upon the discharge of their duties.<sup>95</sup> According to other reports which reached Austin, the people of El Paso were highly gratified at being organized under the laws of Texas, and 765 votes were cast in the election for county officers.<sup>96</sup> Neighbors now reported that it was impossible to go to Presidio County without an armed escort, because of the enmity between the Indians and the few white inhabitants of the region, and also that the organization of Worth County would depend upon that of Santa Fé, since both were under the same influence. In the accomplishment of the latter, he felt that he faced two handicaps; first, a lack of necessary funds; and second, the absence of proper pledges to the people in regard to their lands. He complained that Howard and his party, concerning whom Van Horne had been inquiring, were already

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<sup>94</sup> Neighbors to Munroe, February 23, 1850, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 577), no. 66, p. 2.

<sup>95</sup> Neighbors to Bell, March 23, 1850, in *Tex. Legis., Senate Jour.*, 3 Legis., 2 sess., appendix, 1-6.

<sup>96</sup> *Austin State Gazette*, April 27, and May 4, 1850. William Cockburn arrived from El Paso, April 26, and brought this information.



located on land belonging to others, thus causing prejudice against Texas.<sup>97</sup>

At the time that Neighbors' letter of February 23 reached Santa Fé, no answer to Colonel Munroe's letter of the previous November had as yet come from Washington, but he had at least found the earlier instructions. He at once issued orders to all officers commanding posts in and near the territory claimed by the state of Texas, to "observe a rigid non-interference" with Neighbors "in the exercise of his Functions and equally avoid coming in conflict with the Judicial authorities created by that State."<sup>98</sup> When reports began to reach Santa Fé that a Texas commissioner was on his way to organize New Mexico, there was talk of resistance,<sup>99</sup> and this spirit was encouraged by a proclamation, published on the day after Munroe issued his orders for strict neutrality, by Joab Houghton, one of the judges of the superior court in New Mexico under the military government. In this proclamation, Houghton advised the people not to go to the polls which the Texan commissioner would open, for they should be neither loyal nor obedient to Texas, but on the contrary, were in duty bound to resist any attempt on her part "for the unjust usurpation of our land and boundaries." He proposed that each county hold meetings on the following Monday for the purpose of drawing up resolutions upon the Texan claims, and felt that, if the people would observe his directions, "the present mission of the Commissioner of Texas will be as useless as that of Judge Baird."<sup>100</sup>

<sup>97</sup> Neighbors to Bell, March 23, 1850, in *Tex. Legis., Senate Jour.*, 3 *Legis.*, 2 sess., appendix, 1-6.

<sup>98</sup> Munroe to Beall and others, March 12, 1850, in *House Ex. Docs.*, 31 *Cong.*, 1 sess. (Ser. 577), no. 66, p. 2; also in Abel (ed.), *Correspondence of James S. Calhoun*, 164.

<sup>99</sup> Calhoun to Brown, March 16, 1850, *ibid.*, 163. A similar report was carried to St. Louis by traders from Santa Fé. See *Austin State Gazette*, May 25, 1850.

<sup>100</sup> Houghton's proclamation, March 13, 1850, in *Tex. Legis., Senate Jour.*, 3 *Legis.*, 2 sess., appendix, 11-12; also in *Austin State Gazette*, June 2, 1850.

Thus when Neighbors arrived in Santa Fé on April 8, he not only found that he would be forced to work without the assistance of the military officers, but also that he would receive little encouragement from the people themselves. He reported, however, that he was courteously received by the inhabitants, but that he found Munroe favorable to the existing state of affairs, while Houghton expressed a determination to imprison any person who should attempt to enforce the laws of Texas. Members of the original state party told him that they were now willing to aid him in the organization, but that they believed it would be necessary for Texas to send a military force to New Mexico before she could exercise jurisdiction.<sup>101</sup> Feeling, however, that those inhabitants who were favorable to Texas were in the minority under the existing state of affairs, Neighbors decided to defer the calling of an election for Santa Fé County as organized by the legislature of Texas.<sup>102</sup>

At about the same time that Neighbors reached Santa Fé, Colonel McCall arrived with information concerning the attitude of the president toward statehood, and, in the new possibilities, Neighbors was ignored. In accordance with McCall's message, notices were posted on April 13, calling the citizens of Santa Fé County, New Mexico, to a meeting to be held a week later for the purpose of passing resolutions in favor of a state form of government, and of requesting the governor of the territory to call a convention to form a state constitution.<sup>103</sup> As soon as Neighbors saw these notices, he protested to Colonel Munroe against such action, on the basis of the constitutional provision that no state should be formed within the jurisdiction of another

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<sup>101</sup> Neighbors to Bell, June 4, 1850, in *Tex. Legis., Senate Jour.*, 3 Legis., 2 sess., appendix, 7-10.

<sup>102</sup> *Ibid.*; Davis, *El Gringo*, 110-111, states that he issued a proclamation calling an election, but no evidence of this is to be found in Neighbors' own reports.

<sup>103</sup> *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 56, p. 14.

state without the consent of the legislature of the state concerned. He held that, since the government of Texas had expressed its determination to maintain inviolate all the territory within her boundaries, which had been guaranteed to her by the annexation resolution, the move for a state government in New Mexico would be a violation of that provision.<sup>104</sup>

Munroe was now confronted with a dilemma. He had not only received instructions to maintain neutrality in the boundary dispute, but he had also been told through Colonel McCall to give assistance to any steps which the people of New Mexico might desire to take toward securing a state government. Under ordinary circumstances, these instructions would have caused no trouble, but, owing to the fact that the Texan government was at the time attempting to organize the region, the move for a state government in New Mexico meant a direct conflict with the Texan claims. He did not hesitate long. Just three days after the meeting was held to formulate the petition to him, he issued a proclamation naming May 15 as the date for the desired constitutional convention.<sup>105</sup>

*Attitude of Taylor and Fillmore on the boundary question.*—None of Munroe's actions in connection with the question seemed destined to receive the full approval of the various departments of the government. Before the summer was over his course was questioned for three different causes by as many different parties. His order of March 12, enjoining non-interference on the part of the commanders under him, brought a resolution from the House of Representatives, asking the president for an explanation. In reply, the secretary of war referred the members to the letters of instructions written by both himself and his predecessor to the commanding officer at Santa Fé.<sup>106</sup> A short

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<sup>104</sup> Neighbors to Munroe, April 14, 1850, *ibid.*, 15; also, *Tex. Legis., Sen. Jour.*, 3 Legis., 2 sess., appendix, 12.

<sup>105</sup> *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 60, part II, p. 2.

<sup>106</sup> *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 577), no. 65, p. 1.

time afterward, the Senate took up the matter from another angle, and demanded of the president information concerning the orders which had authorized Colonel Munroe to oppose or prevent the exercise of Texan jurisdiction over the Santa Fé region. Aside from Munroe's mistake of December 28, which had by this time been corrected by the order of March 12, this was a deliberate disregard of the actual happenings. President Taylor answered that no such orders had been given, and submitted to the Senate the correspondence in connection with Van Horne's inquiry of September 23. He then brought up the question of the activity of Neighbors in the New Mexico region, and stated that although he had "no power to decide the question of boundary, and no desire to interfere with it," he believed that the territory in question was actually acquired by the United States from Mexico, and had since been held by the United States. For this reason, it was his opinion that it "ought so to remain until the question of boundary shall have been determined by some competent authority."<sup>107</sup> And he had stated earlier what he deemed this competent authority to be. This meant another step in the administration's attitude on the question. The policy had developed from the instructions under Polk, that neutrality was to be broken only in case of need from Texas, through the early policy of the Taylor administration of non-interference with the Texan efforts; now non-interference was made to apply the other way. Texas should not attempt to interfere with the possession of the territory by the United States.

The question which caused the greatest excitement, however, came from the governor of Texas. As soon as Munroe issued his proclamation calling a constitutional convention, Neighbors withdrew from Santa Fé, and immediately upon his arrival at the Texan capital he submitted to Governor Bell a detailed report

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<sup>107</sup> *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 561), no. 56, p. 1.

upon his mission.<sup>108</sup> When the contents of this report became public, the anger of the Texans was at once aroused. It was held that the action of Munroe was an insult of the grossest character, and committed upon the rights and dignity of the people of Texas, "an outrage beyond which it was not possible to go." They felt that the matter had now been brought to a definite issue, and suggestions were made that the claim should be enforced by military power,<sup>109</sup> while it was also claimed that, when Texas was admitted into the Union as a state, her people believed that the limits as defined by the government of the republic would be respected. If they had been in error when they voted for annexation, it was but just, according to their belief, that the whole question should be reconsidered, and in that case they were represented as being as willing to leave the Union as they had been to join it. A mass meeting which was held at Austin on June 8 gave voice to these sentiments,<sup>110</sup> and during the months of June, July, and August, similar meetings were held throughout the state, all of them expressing the same sentiments.<sup>111</sup>

Governor Bell at once took steps to meet the situation. On June 12, he wrote to Baird, who had returned to Santa Fé, urging him to leave that place immediately and proceed to El Paso in order to check any attempts which might be made to shake the allegiance of that region to Texas. At the same time he was to keep the governor advised concerning the developments at Santa Fé.<sup>112</sup> On June 13, he wrote to the Texan delegation

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<sup>108</sup> Neighbors to Bell, June 4, 1850, in *Tex. Legis., Senate Jour.*, 3 Legis., 2 sess., appendix, 7-10.

<sup>109</sup> *Austin State Gazette*, June 8, and June 15, 1850.

<sup>110</sup> *Ibid.*, June 15, 1850; also *Niles' Register*, LXXV, 156-157.

<sup>111</sup> Austin, *State Gazette*, June 8 to September 7, 1850, *passim*. On August 14, the *La Grange Texas Monument* states: "There has been but one solitary meeting in the State, we believe, which has passed a resolution declaring the opinion that the time has not arrived for action."

<sup>112</sup> Bell to Baird, June 12, 1850, in *Tex. Legis., Senate Jour.*, 3 Legis., 2 sess., appendix, 81-83.



in Congress, stating the situation and voicing his intention to act,<sup>113</sup> while on the following day he wrote to President Taylor, demanding an explanation of the steps taken by Munroe, especially as to whether he had acted under orders from his government, and whether his proclamation met with the approval of the president.<sup>114</sup> In addition to this, a special session of the legislature was called for August 12, to properly determine upon methods for meeting the situation.<sup>115</sup>

The letter to the president did not reach Washington until after Taylor's death, and therefore went to his successor, who placed it in the hands of Daniel Webster, the new secretary of state, to be answered. Webster answered the first of the two questions asked by Governor Bell, by quoting from the instructions of November 19, to Colonel McCall, thus upholding Munroe's action. In answer to the second question, he stated that, if the call for a convention was intended to settle the boundary question, it was not approved by President Fillmore, for the oft repeated reason that the power of making that settlement belonged solely to Congress. But he held that such was not the intention of the convention, and pointed out that it could not make such a settlement because its acts were ineffectual until they were ratified by Congress. And he added that since "it is the right of all to petition Congress for any law which it may constitutionally pass, the people were in the exercise of a common right when they formed their constitution with a view to applying to Congress for admission as a state," and for this reason the president felt bound to approve the conduct of Colonel Munroe in issuing the proclamation.<sup>116</sup> Throughout the letter

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<sup>113</sup> *Austin State Gazette*, July 13, 1850.

<sup>114</sup> Bell to Taylor, June 14, 1850, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 579), no. 82, pp. 6-7.

<sup>115</sup> *Austin State Gazette*, July 6, 1850.

<sup>116</sup> Webster to Bell, August 5, 1850, in *House Ex. Docs.*, 31 Cong., 1 sess. (Ser. 579), no. 82, pp. 7-12.

there can be seen a veiled suggestion that Texas had as little authority to interfere in the boundary question as had the president; and there is also a carefully worded hint that, unless she refrained from interfering, it would be the duty of the president to see that the treaty of Guadalupe Hidalgo, as a part of the supreme law of the land, was sustained in every particular, down to the maintaining of the inhabitants of the territory in the free enjoyment of their liberty and property.

In submitting this correspondence to Congress, however, President Fillmore was less guarded in his language than Webster had been. He reiterated the claim, on the New Mexican side, that the territory had always been regarded as an integral and essential part of New Mexico, and after stating that the Texan legislature had been called into session for the purpose of establishing her own jurisdiction and her own laws over the region by force, he added:

These proceedings of Texas may well arrest the attention of all branches of the government of the United States; and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being impossible, that in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two houses of Congress—and still more emphatically the executive government—to an immediate readiness for the performance of their respective duties. . . . The constitutional duty of the President is plain and peremptory, and the authority vested in him by law for its performance, clear and simple. . . . If Texas militia, therefore, march into any one of the other states, or into any territory of the United States, there to execute or enforce any law of Texas, they . . . are to be regarded merely as intruders; and if, within such state or territory, they obstruct any law of the United States, either by power of arms, or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the Constitution, and exercise the high powers vested in him by that instrument and by the acts of Congress.<sup>117</sup>

In sending this message to Congress, the president submitted no other evidence than Governor Bell's letter and Webster's

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<sup>117</sup> Fillmore's Message to Congress, August 6, 1850, *ibid.*, 1-6.

reply, and the meagerness of the information furnished concerning the probability of forceful measures in Texas made the tone of the message decidedly alarmist. That government officials had more information concerning the actual development in Texas than they cared to divulge, however, is shown in the work of General Winfield Scott, who was at the time acting secretary of war. On the same day that Fillmore's message was written, General Scott notified Colonel Munroe that about 750 additional troops were being sent to Santa Fé, for the double purpose of protection against Indians, and against "another and more painful contingency" which might be apprehended. This new contingency, he explained, was the probability that, unless the disputed boundary between Texas and New Mexico was soon established by Congress, a large body of troops would be raised by Texas and sent to New Mexico to effect by force of arms the extension of the Texan civil and political jurisdiction over that part east of the Rio Grande. In order that Munroe might be able to meet the demands in the event this should happen, Scott proceeded to give him full instructions as to the necessary course of action under the various probable methods of procedure which might be used by the Texan invaders. Munroe was told, however, to profit by all opportunities to avoid a resort to violence; but a warning was also added not to lose any advantage by delaying, and to resist encroachment vigorously when it became necessary to protect the people of New Mexico against violence and the destruction of their property.<sup>118</sup>

*The local situation in August, 1850.*—While this official correspondence was being carried on, developments were also under way in the region which was being discussed. The convention for the formation of a state constitution, which had met on May 15 in accordance with Munroe's call, completed its work

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<sup>118</sup> Scott to Munroe, August 5, 1850, in Abel (ed.), *Official Correspondence of James S. Calhoun*, 164-165.

on May 25, and within a month the constitution had been adopted by practically a unanimous vote.<sup>119</sup> The limits prescribed for the state were to begin at the Rio Grande just north of El Paso, and extend from there east to the one hundredth meridian; thence north along the one hundredth meridian to the Arkansas River; thence up that stream to its source; thence in a direct line to the Colorado River of the West at its intersection with the one hundred and eleventh meridian; thence south on that meridian to the boundary between the United States and México, and along that boundary back to the Rio Grande, down which it was to run to the point of beginning.<sup>120</sup> The notable feature in this boundary is the fact that just as the Texan boundary act of 1836 had included territory which by right of occupation belonged to New Mexico, so this constitutional provision reciprocated by laying claim to territory which Spanish decrees unquestionably included in Texas. But it was at least a definite boundary claim on the part of New Mexico—the first tangible limits which had ever been named for a province established 250 years previously.

The adoption of a state constitution, however, did not clear up the complications in New Mexico. In the election of state officers, Henry Connelly was chosen governor, and Manuel Alvarez, lieutenant-governor.<sup>121</sup> In the absence of Connelly, Alvarez assumed charge of the government and proceeded to nominate such officers as the constitution required. Here Colonel Munroe interposed with the declaration that the military authority remained in force until Congress agreed to the admission of New Mexico as a state, or substituted some other form of government, and that he would consider any move to appoint officers "as an act, on the part of all concerned, in direct viola-

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<sup>119</sup> The vote was 6,771 for the Constitution; 39 against it. *Sen. Ex. Docs.*, 31 Cong., 1 sess. (Ser. 562), no. 74, p. 2.

<sup>120</sup> *Ibid.*, 2-3.

<sup>121</sup> Bancroft, *History of Arizona and New Mexico*, 448.

tion of their duties as citizens of the United States.''<sup>122</sup> Alvarez proved obstinate, however, and refused to concede that the military government could continue to exist without the consent of the people, and on July 20, he issued a proclamation, in accordance with an act of the legislature established by the constitution, ordering elections to be held on the second Monday in August for the purpose of choosing county officers in each of the eight counties<sup>123</sup> of the state.<sup>124</sup>

On the same day, Baird, who, not having received Governor Bell's letter of June 12, was still in Santa Fé, issued a proclamation for the holding of an election in Santa Fé County, Texas, for the purpose of choosing both state and county officers under the Texan rule. This election was to be held on the first Monday in August, in accordance with a proclamation of the governor of Texas, calling for a general election throughout the state.<sup>125</sup> To Colonel Munroe this situation seemed to forbode trouble, so three days later, on July 23, he issued a proclamation announcing his purpose of maintaining the military organization in New Mexico until he was otherwise instructed from Washington.<sup>126</sup> Not much excitement seems to have been aroused over these three conflicting efforts,<sup>127</sup> and Munroe's disposition of his troops effectively prevented either of the two elections from being held.<sup>128</sup> With the military government once more firmly in control of affairs in New Mexico, there was nothing to be done in that region but to await the decision of Congress upon the question of organization and of territorial jurisdiction.

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<sup>122</sup> Munroe to Alvarez, July 12, 1850, in *Austin State Gazette*, September 14, 1850.

<sup>123</sup> Socorro County had been created from a part of the territory of Valencia County, by a legislative act, approved July 5, 1850.

<sup>124</sup> This proclamation appears in Abel (ed.), *Official Correspondence of James S. Calhoun*, 234.

<sup>125</sup> *Ibid.*, 233.

<sup>126</sup> *Ibid.*, 234-235.

<sup>127</sup> Calhoun to Brown, July 31, 1850, *ibid.*, 232.

<sup>128</sup> Calhoun to Brown, August 13, 1850, *ibid.*, 252-253.



Baird moved on to El Paso, and announced his intention of holding court in that place on the first Monday in October.<sup>129</sup>

In Texas, during this same period, developments of a different nature were in progress. The legislature met on August 12, in accordance with the call of the governor, and on the following day he submitted his message. In it he reviewed the most prominent facts and circumstances connected with the Texan relations with Santa Fé, and described the development of opposition, both local and national, stating at the same time his belief that the state had no choice but to meet the situation. He said:

It must be met boldly and fearlessly and determinedly. Not by further supplication or discussion with the Federal authorities. Not by renewed appeals to their generosity and sympathy. Not by a longer reliance on the delusive hope that justice will yet be extended to us; but by action, manly and determined action on our part, by a prompt assertion of our rights, and a practical maintenance of them with all the means we can command 'at all hazards and to the last extremity.'

He repeated his request of the previous December, that he be authorized to raise a force sufficient to occupy Santa Fé, and made suggestions as to the methods of obtaining the necessary funds for financing such a move.<sup>130</sup> As a preparatory measure, Bell made plans to issue commissions for the raising of such a force, in order that it might be ready in case the legislature granted the authority, and it was estimated that at least five thousand men were ready to volunteer for the undertaking.<sup>131</sup>

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<sup>129</sup> *La Grange Texas Monument*, September 25, 1850.

<sup>130</sup> Bell's message to the legislature, August 13, 1850, in *Tex. Legis., Senate Jour.*, 3 Legis., 2 sess., 1 ff. In commenting upon this message the *La Grange Texas Monument*, August 21, 1850, states that at least two regiments should be raised.

<sup>131</sup> *Austin State Gazette*, August 24, and August 31, 1850. William P. Duval, a former congressman from Kentucky, who was in Austin at the time, wrote: "The people of this state are calmly determined to take possession of the Santa Fé country. There is no noise or violent excitement about this subject." Duval to Hunter, August 13, 1850, in Ambler (ed.), *Correspondence of Robert M. T. Hunter*, 115.

The legislature spent the first two weeks of the session in general discussion, but on August 26, Webster's letter of August 5 to Governor Bell arrived in Austin, and was immediately submitted to both houses.<sup>132</sup> Action began at once. On the same day the senate took up a bill providing for organization of the militia of Texas, and requiring the governor to call into the service of the state three thousand mounted volunteers for the purpose of suppressing the insurrection in the counties of Worth and Santa Fé.<sup>133</sup> Other bills were introduced, providing the necessary funds by setting aside special amounts from the school fund of the state; by levying a special tax upon the assessments of that year; and by allowing the use of the proceeds which might arise from the sale of lots to be placed at the disposal of the government in the city of Austin.<sup>134</sup> News was also received at the same time that Congress seemed likely to reach a decision soon,<sup>135</sup> and on the following day an effort was made to add to the bill authorizing the raising of a military force a clause providing that if the United States government should make a proposition to Texas, before January 1, 1851, for the purchase of any portion of the territory of the state, including the whole, or any part, of the counties of Worth and Santa Fé, the governor should submit this proposition to the voters of the state. In case it was accepted, the legislature was to be convened to confirm the sale; if rejected, the governor was to call together the troops.<sup>136</sup> This was finally passed as a separate bill, and was vetoed by Bell for technical reasons. The legislature then adjourned on September 6, without taking any

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<sup>132</sup> Tex. Legis., *Senate Jour.*, 3 Legis., 2 sess., 36.

<sup>133</sup> *Ibid.*, 44-45.

<sup>134</sup> *Ibid.*, 48-50. These bills followed the suggestions made by Bell in his message of August 13.

<sup>135</sup> Austin *State Gazette*, August 31, 1850.

<sup>136</sup> Tex. Legis., *Senate Jour.*, 3 Legis., 2 sess., 56.

other definite action upon the question, much to the disappointment of a large proportion of the people of the state.<sup>137</sup> This left nothing for the Texans, themselves, to do save to follow the example of the New Mexicans and wait for news of congressional action upon their boundary claims.

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<sup>137</sup> *Austin State Gazette*, September 7, 1850.

## CHAPTER VIII

### CONGRESSIONAL ACTION ON THE TEXAN CLAIMS, 1848-1850

During the period in which Texas was attempting to establish its jurisdiction in New Mexico, and was meeting opposition both from the people of that region, and from the United States government, Congress was busy in a discussion of the question of boundaries. As has been seen, before the Mexican War had proceeded far the issue was brought to the attention of Congress through the raising of the question of the right to establish a civil government in New Mexico. This had been set aside for the time by President Polk's statement that the government which had been established was merely temporary, and that the right of determining the boundary question belonged to Congress. The discussion was renewed, however, before the war was over, and, this time, it was to remain an issue until a settlement could be reached. In order to understand the significance of this phase of the question, it is necessary to look at the general political situation in the country as a whole.

*The question as a party issue, 1848.*—A presidential campaign was due in 1848, and the Whigs desired to make the Mexican War one of the principal issues. The Whig members of Congress were using every effort to condemn the war,<sup>1</sup> and were ready to utilize any opportunity that offered, to show that the pretext upon which it had been begun was untenable. Therefore, the validity of the claims of Texas to the territory east of the Rio Grande was their chief target. The question was renewed in January, 1848, in connection with a discussion

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<sup>1</sup> For the earlier stage of the Whig opposition, see McMaster, *History of the People of the United States*, VII, 473-505.

in the Senate concerning an appropriation for the raising of an additional military force to carry on the war. The House, at the same time, was interested in the same question in connection with a discussion of the president's annual message; and in both houses the debate followed party lines.<sup>2</sup> This was the situation which existed when the treaty of Guadalupe Hidalgo arrived from Mexico to demand consideration early in March. Even during the period pending the ratification of this treaty, however, the question of the jurisdiction of Texas was not to be ignored.

In June, 1848, when the House was considering a bill providing for the establishment of new postal routes, a suggestion that among the routes proposed was one in the state of Texas, to terminate at Santa Fé, precipitated trouble. As an outcome of the suggestion, Representative William L. Goggin, of Virginia, attempted to submit an amendment providing that nothing contained in the bill should be so construed as to express any opinion as to the true boundary of any state or territory named therein, while Representative Samuel F. Vinton, of Ohio, suggested an additional statement that nothing in the bill should be construed to affect any claim or question of jurisdiction of any state in the Union.<sup>3</sup> Both of the representatives from Texas protested against raising a question of boundaries,<sup>4</sup> and one of them, David S. Kaufman, in a prepared speech filled with quotations taken indiscriminately both from safe and unsound sources, denied that there was any ground for doubt as to the boundary of Texas. His chief arguments in support of the Texan claims were the revolutionary rights of a people, the treaty of Velasco, in which he used the version given by Foote instead of the actual document, and any favorable remarks he was able to select from earlier speeches on the subject.<sup>5</sup>

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<sup>2</sup> *Cong. Globe*, 30 Cong., 1 sess., 124-336, *passim*.

<sup>3</sup> *Ibid.*, 835.

<sup>4</sup> *Ibid.*, 859-860.

<sup>5</sup> *Ibid.*, appendix, 659-663.



On July 6, Polk notified Congress of the exchange of ratification of the treaty of Guadalupe Hidalgo, and requested early action in organizing governments over the territory which had been acquired. This brought a request from Vinton for more definite information as to what constituted the territory which had been acquired, and opposition was shown to turning the message over to the committee on territories until this question should be answered.<sup>6</sup> Alexander H. Stephens, of Georgia, offered a resolution demanding information concerning California and New Mexico, and especially concerning the establishment of a civil government in New Mexico. He pointed to the statement in Slidell's instructions, that Texas had never taken possession in New Mexico, and desired to know what was the boundary between the two countries.<sup>7</sup> Shortly afterward, Representative Charles Hudson, of Massachusetts, speaking on the question of the Texan boundaries, suggested, in answer to Kaufman's remarks, that, since it was insisted that revolutionary Texas had been annexed to the United States, it should be learned what territory revolutionary Texas included. Then, by referring to Donelson's letters and to the Santa Fé expedition, he proceeded to show that New Mexico was distinctly not a part of Texas from the standpoint of actual occupation, therefore no claims now advanced by Texas could be accepted.<sup>8</sup> Representative Pilsbury, of Texas, in answering Hudson, repeated virtually the same type of arguments as those which had been presented by Kaufman, but in connection with the upper Rio Grande he admitted that the title of Texas was based on law rather than actual possession.<sup>9</sup>

Up to the date of this last debate, the only apparent line of division on the question of the extent of the jurisdiction of Texas was that of party interests. Southern Whigs and north-

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<sup>6</sup> *Ibid.*, 901-902.

<sup>8</sup> *Ibid.*, appendix, 924-928.

<sup>7</sup> *Ibid.*, 910-911.

<sup>9</sup> *Ibid.*, appendix, 928-931.

ern Whigs alike were agreed that Texas did not extend to the Rio Grande, while the Democratic element from both sections was interested in supporting the president. Hudson now brought in a new issue by declaring that one of the chief reasons for the advancement of the Texan claims was the desire of the slavery interests to acquire additional territory, by securing for Texas, which was already recognized as a slave state, the entire region east of the Rio Grande.<sup>10</sup>

*Transition to a sectional issue.*—This association of the slavery question with that of boundaries had become inevitable through recent developments in another phase of the interest in the new acquisition. In the Senate, the president's message concerning the ratification of the treaty and the organization of the newly acquired territory was referred to the committee on territories with practically no debate. The committee was composed of three Democrats and two Whigs,<sup>11</sup> but one of the Democratic members was absent, and this left the committee deadlocked. It soon became evident that no action could be taken, and a request was made to increase the membership to seven. Here the slavery question entered. The Wilmot Proviso had previously brought up the question in connection with the organization of the territory under discussion, and the resultant demand of the South for specific privileges was sure to continue as a factor in making a settlement. This situation brought a statement from Senator John P. Hale, of New Hampshire, that no addition could be made to this committee without adding one member from each side, therefore nothing would be gained.<sup>12</sup>

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<sup>10</sup> *Ibid.*, appendix, 927. See Bancroft, *History of Arizona and New Mexico*, 456, for a statement that there was much difference of opinion, even among the southern members, on the merits of the Texan claims. The party division is overlooked, however, and it is implied that slavery extension had been the sole issue from the beginning of the discussion.

<sup>11</sup> *Cong. Globe*, 30 Cong., 1 sess., 21.

<sup>12</sup> *Ibid.*, 909.

It was finally agreed to refer the message to a select committee of eight members, upon which was to be imposed the task of formulating governments for Oregon, California, and New Mexico. Care was taken to secure an evenly balanced group,<sup>13</sup> and on July 19 a report was made suggesting a territorial form of government for each, and making no mention of slavery.<sup>14</sup> In spite of opposition from several southern senators, the bill was passed on July 27,<sup>15</sup> but on the following day it was laid on the table by the lower house, and proceedings were stopped.<sup>16</sup> After rejecting the Senate bill, the House voted favorably on a bill of its own, providing for the organization of Oregon alone. When this was taken up in the Senate, Senator Henry Johnson, of Louisiana, proposed an amendment to create all the region known as California and New Mexico into two territories to be divided along the parallel of the Missouri Compromise, and to be known as North California and South California.<sup>17</sup> Another amendment proposed the addition of the entire Senate bill for organizing the territory, with an extra clause providing that the territory of New Mexico should be placed on the same basis with the Louisiana territory in respect to slavery. These were both rejected, and as a result of this apparent determination to couple the slavery question with the work of organizing the new territory, nothing was accomplished during this session of Congress.

When Congress met again in December, 1848, the election was over, and the partisan division could give way to the more absorbing issue of slavery. The question of organizing the territory which had been acquired from Mexico came up on

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<sup>13</sup> Four Whigs and four Democrats were selected. Two in each party were from slaveholding states, and two from free states, thus providing for a balance either from the partisan point of view, or from the standpoint of the slavery question.

<sup>14</sup> *Cong. Globe*, 30 Cong., 1 sess., 950.

<sup>15</sup> *Ibid.*, 1002-1005.

<sup>16</sup> *Ibid.*, 1007.

<sup>17</sup> *Ibid.*, 1061.

the first day of the session, when Senator Stephen A. Douglas, of Illinois, chairman of the Senate committee on territories, gave notice that he would offer a bill providing for the organization of a territorial government for New Mexico, and another submitting a plan for a state government for California.<sup>18</sup> In his annual message of December 5, President Polk again urged early action in providing an organized government for the region, and expressed his regret that this had not been accomplished during the preceding session. In referring to New Mexico, however, he was careful to say, "that part of New Mexico lying west of the Rio Grande, and without the limits of Texas,"<sup>19</sup> while accompanying the message was a map of the United States, showing the newly acquired territory. On this map the region indicated as having been secured by the treaty of Guadalupe Hidalgo includes all of Texas; and that state, moreover, is made to extend to the Rio Grande from mouth to source, while New Mexico is represented as a narrow strip along the western side of the river.<sup>20</sup>

On December 12, in order to avoid further complications in connection with the work of organizing New Mexico, Representative Richard K. Meade, of Virginia, offered a resolution in the House instructing the committee on territories to inquire into the expediency of reporting a bill to transfer to Texas, in accordance with the terms of annexation, that part of New Mexico lying east of the Rio Grande.<sup>21</sup> Because of opposition, the consideration of this resolution was postponed, and on the following day, the petition of the people of New Mexico, which had been formulated as a result of the suggestion of Senator Benton, was presented in the Senate by Benton himself. The avowed oppo-

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<sup>18</sup> *Cong. Globe*, 30 Cong., 2 sess., 1.

<sup>19</sup> *Ibid.*, 5.

<sup>20</sup> *House Ex. Docs.*, 30 Cong., 2 sess. (Ser. 537), no. 1, facing p. 48.

<sup>21</sup> *Cong. Globe*, 30 Cong., 2 sess., 31-32.

sition to slavery aroused the anger of John C. Calhoun, and he branded the petition as an insult because it sought to exclude the rights of the southern states. Thomas J. Rusk, now a senator from Texas, took exception to the clause on the boundary situation, asserting that Texas had an indisputable right to the region east of the Rio Grande, which it could never surrender.<sup>22</sup> These two issues were now definitely connected with the question of establishing a government for New Mexico, and were to serve as obstacles to any progress toward gaining the desired end.

Early in January, 1849, the House committee on territories, without making any comment, reported a bill to establish a territorial government for New Mexico which provided for the organization of the region on both sides of the Rio Grande.<sup>23</sup> But the objection of Representative Pilsbury, of Texas, a member of this committee, had evidently been overruled in its sessions; so he now proceeded to submit a minority report, protesting against the formation of the proposed territory on the ground that it would bring about a dismemberment of Texas. The evidence submitted was practically the same as that advanced by himself and Kaufman during the preceding session of Congress, with the doubtful version of the treaty of Velasco as the principal argument in favor of his claim.<sup>24</sup> But proof of northern opposition to the Texan claims soon came. On January 6, the state legislature of New York resolved to instruct its representatives in Congress to use their best efforts to preserve the territory lying between the Rio Grande and the Nueces, as well as that part of New Mexico east of the Rio Grande, "from the unfounded claims of the State of Texas, and prohibit the extension over it of the laws of Texas or the institution of slavery."<sup>25</sup>

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<sup>22</sup> *Ibid.*, 33.

<sup>23</sup> *Ibid.*, 146.

<sup>24</sup> *Ibid.*, 146; *House Reports*, 30 Cong., 2 sess. (Ser. 545), no. 16, pp. 1-4.

<sup>25</sup> *Cong. Globe*, 30 Cong., 2 sess., 280, 309.



A few days later Representative Henry W. Hilliard, of Alabama, requested the consent of the House to introduce a bill providing that

The northern boundary of the State of Texas shall commence at the point where the eastern boundary of said State is intersected by the parallel of 36 degrees 30 minutes north latitude; thence along that parallel of latitude to the summit of the range known as the Sierra Nevada or California mountains; thence south along the summit of that range to the Parallel of 34 degrees 30 minutes north latitude; thence along that parallel of latitude to the Pacific Ocean.

All of the territory acquired from Mexico which lay south of this line was to constitute a part of Texas, and to be subject to the conditions and guaranties named in the annexation resolution of 1845.<sup>26</sup> This would, of course, insure the extension of slave territory to the Pacific. Permission to introduce the measure was refused by a vote of 120 to 60. Of the sixty members who voted in favor of receiving it, fifty-six were representatives from slave-holding states, while two of the four northern men were natives of southern states.<sup>27</sup>

These statements represent the widely varying points of view on the Texan boundary. The North, in its desire for a restriction of slavery, held that none of the territory outside the Spanish boundaries of Texas belonged to that state. The desire of the South for a possibility of further extension of slavery brought a willingness to support an extreme extension of the Texan boundaries, while the Texans themselves were merely demanding a recognition of their right to the limits specified by their laws. This session of Congress had only six weeks left in which to reconcile these three demands, and the task was proving impossible. As the end of the session approached, it became evident that no definite action could be taken on the question of organization in connection with the boundary ques-

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<sup>26</sup> *Ibid.*, 319-320.

<sup>27</sup> *Ibid.*, 1, 320; *Biographical Congressional Directory*, *passim*.

tion. Representative Vinton therefore made an effort to provide for the organization of New Mexico with its boundaries as specified, and for granting to Texas the right to institute a suit against the United States for the recovery of any territory which might be taken from her, the case to be decided by the Supreme Court of the United States. This, he felt, would be the only fair way to determine whether the Texan claims were sound, and at the same time a government could be provided for the territory which was still unorganized.<sup>28</sup> This effort failed, and the Polk administration came to an end without providing a government for the territory which it had added to the national domain. The new administration was Whig, therefore Texas could expect few concessions on the question of establishing her jurisdiction over the New Mexican region.

*The public debt of Texas and the boundary question.*—As has been seen, the Texan delegation in Congress had been alert to seize every opportunity to proclaim the validity of her claims to the Rio Grande as a boundary. The chief incentive for these claims under the republic had been the advantage of trade with the interior region, together with a desire, at times, to comply with, and, at other times, to thwart, the expansionist ideas of the United States. After annexation to the United States, the motive was resolved into a natural desire to receive a confirmation of its statutory claims, partly as a matter of principle, but largely because of the provision in the annexation resolution permitting Texas to retain her public lands. The more extensive this public land area, the greater would be the advantage to Texas.

But in 1848, another question became involved in the boundary discussion because of its intimate connection with the public domain. This was the debt which had been contracted by the government of the republic in its struggle to maintain an exist-

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<sup>28</sup> *Cong. Globe*, 30 Cong., 2 sess., 610.

ence. From the beginning of the independent government of Texas, one of the favorite means of raising money was the use of the unoccupied lands as security. Under Burnet, as provisional president, the policy was begun of issuing land scrip which was sold at fifty cents per acre;<sup>29</sup> and agencies were established at Mobile and New Orleans for the sale of these certificates.<sup>30</sup> During the same year was also begun the granting of land through specific legislation to persons who held claims against the government,<sup>31</sup> and in 1841, this practice was made general by an act which authorized the issuing of land scrip, at the price of two dollars an acre, to any individual holder of promissory notes, bonds, or any other form of liquidated demands against the government, in return for the cancelling of such claims.<sup>32</sup> This method of payment does not seem to have been popular with the creditors of the republic, since the land office report of 1849 shows that scrip to the value of no more than \$150,000 had been accepted as a redemption of liabilities;<sup>33</sup> and it was suspended in June, 1845, while the Texan congress was busy with the question of annexation.<sup>34</sup> In 1839, in an act authorizing the president of the republic to negotiate a loan, two specific pledges were made: the receipts from the customs, and the proceeds of the sale of the public lands.<sup>35</sup>

<sup>29</sup> Hunt to Shaw and Swisher, November 30, 1848, printed in pamphlet form under the title, Hunt, *The Public Debt and Lands of Texas*. A copy is in the Bancroft Library. For a reference to the pamphlet and a brief sketch of its contents, see *De Bow's Commercial Review*, VII, 273.

<sup>30</sup> Miller, *Financial History of Texas*, 54; for the amount of the sales see Gouge, *Fiscal History of Texas*, 280.

<sup>31</sup> *Laws of the Republic of Texas*, 1 Cong., 1 sess., 76-77, 229-231.

<sup>32</sup> *Laws of the Republic of Texas*, 5 Cong., 1 sess., 160-161.

<sup>33</sup> Gouge, *Fiscal History of Texas*, 280-281. See also Raymond to Calhoun, December 27, 1844, in Garrison (ed.), *Diplomatic Correspondence*, II, 331.

<sup>34</sup> *Laws of the Republic of Texas*, 9 Cong., Extra sess., 14.

<sup>35</sup> *Ibid.*, 3 Cong., 1 sess., 58-60. For an opinion from an attorney general of the United States on this law, see Cushing to Guthrie, September 26, 1853, in *House Misc. Docs.*, 33 Cong., 2 sess. (Ser. 807), no. 17, p. 15.

At the time of the annexation of Texas by the United States, the actual indebtedness of the republic was approximately ten million dollars,<sup>36</sup> and it was desired by the Texans that the United States should assume this debt as one of the conditions of annexation.<sup>37</sup> But in order to avoid this assumption, the joint resolution providing for annexation specified that as a state, Texas should "retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the government of the United States."<sup>38</sup> This meant that the United States specifically disclaimed any responsibility for the Texan debt;<sup>39</sup> and since the customs receipts were now to be turned over to the national treasury, it also implied that the public domain of Texas was to be looked to as the sole source of payment of these obligations.

The next problem was that of making this public domain available. The creditors had shown their unwillingness to accept land or land scrip in payment of their claims, so the first two governors of the state planned to sell the unappropriated land; and to them, the United States seemed the most logical purchaser. A committee of the lower house, in the first session of the state legislature, advanced the following reasons why the United States should own the lands: ownership would enable the government to acquire control over the Indian tribes in Texas; the lands could be sold profitably; and the acquisition

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<sup>36</sup> Miller, *Financial History of Texas*, 391, 392.

<sup>37</sup> Jones to Van Zandt, January 29, 1844, in Garrison (ed.), *Diplomatic Correspondence*, II, 249; Houston to Van Zandt and Henderson, May 10, 1844, *ibid.*, II, 279.

<sup>38</sup> *Cong. Globe*, 28 Cong., 2 sess., 362-363.

<sup>39</sup> Buchanan to Causten, August 19, 1848, in Moore (ed.), *Works of James Buchanan*, VIII, 176.

was necessary if the United States would fulfil "its high mission to the human race, by preventing savage war and bloodshed, by subduing and fertilizing the wilderness, by anticipating ages, and extending the empire of American civilization and laws."<sup>40</sup> This was apparently to be an indiscriminate sale of all the unoccupied lands within the state, and in the situation which would have followed difficulties could not have been avoided.

In 1848, however, a suggestion was made of certain specified territory which could be sold. Memucan Hunt, who was acting as attorney for a group of the creditors of the late republic, pointed out that in the territory claimed by Texas, lying north of the Red River and of a line running from its source due west to the Rio Grande, and embracing about seventy million acres, only that part along the Rio Grande from Valencia to Taos was occupied, or even appropriated. He asked that negotiations be opened with the United States for the sale of this territory, setting thirty million dollars as a reasonable price; and in case a sale was not made within a year, the land was to be thrown open to location by the creditors of Texas, at a price of fifty cents an acre.<sup>41</sup> The advantage to Texas was obvious. With the funds from this sale she could pay the debt of the republic; and to the creditors this seemed to be the only possibility of getting their money, since steps were now being taken in Texas to scale the debt still more than the depreciation in the value of her currency had done.<sup>42</sup> When the Thirty-first Congress met, therefore, a group of lobbyists representing these creditors was on hand to urge the plan of a money consideration for Texas in making a settlement of the boundary question. It was not the desire of the officials of Texas, however, to give up her right

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<sup>40</sup> Tex. Legis., *House Jour.*, 1 Legis., 302; Miller, *Financial History of Texas*, 118.

<sup>41</sup> Hunt, *The Public Debt and Lands of Texas*, 12-13.

<sup>42</sup> Miller, *Financial History of Texas*, 118-120; Bancroft, *History of the North Mexican States and Texas*, II, 402-404.



of jurisdiction over any of the territory claimed; therefore, if a sale of the land itself could not be effected without surrendering this right, their approval would not be given.

*Congressional plans for settlement in 1850.*<sup>43</sup>—Between the time of President Taylor's inauguration and the opening of the first session of the Thirty-first Congress in December, 1849, the new administration had begun to put into effect the Whig policies in connection with the boundary question. Crawford's instructions had suspended those of Marcy, and the government's attitude had changed from what had amounted to a support of Texas, to a neutral stand, while the instructions to Colonel McCall had also been issued, showing the desire of the administration for the establishment of a state government for New Mexico. This attitude aroused the antagonism of the Democrats, of the slaveholders, and especially of the Texans in Congress.

The struggle was begun in the House when that body received Taylor's message of January 21, 1850, expressing regret at the failure to organize a state government so that the boundary question might be settled by the Supreme Court. Volney E. Howard, who had succeeded Pilsbury as representative from Texas, in an extended speech, advancing arguments which were based principally upon statements made by officials of the preceding administration, sought to prove that the terms of annexation implied the acceptance of the Rio Grande as a boundary of Texas, and that the occupation of New Mexico by the United States army was made in the name of Texas.<sup>44</sup> Following this outburst, however, the question came up only incidentally during the next few weeks. In February, Representative John A. McClernand, of Illinois, made an attempt to have it referred to the

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<sup>43</sup> For a good survey of the national situation in 1850, see McMaster, *History of the People of the United States*, VII, 1-56; and for the relation of the Texas question to this situation, see Spillman, "Adjustment of the Texas Boundary, 1850," *Texas State Historical Association, Quarterly*, VII (1903), 177-195.

<sup>44</sup> *Cong. Globe*, 31 Cong., 1 sess., 205-209.

Supreme Court,<sup>45</sup> and in March it came up again through a fear that the House might inadvertently commit itself on the question of Texan jurisdiction in connection with a proposition to establish a new district court in eastern Texas, including the lower Rio Grande region.<sup>46</sup>



But during all this period, the stage was being set in the Senate for a far mightier struggle. A glance at the list of members of the Senate for this Congress shows probably the most brilliant array of talent that has ever been in that body at any one time. Clay, Calhoun, and Webster were there for their last terms; and among the older men, who were inferior only to these, were Benton of Missouri, King of Alabama, Berrien of Georgia, Cass of Michigan, and Mangum of North Carolina. Among the newer members, Douglas of Illinois, Seward of New York, Bell of Tennessee, Hale of New Hampshire, Mason of Virginia, Davis of Mississippi, Hamlin of Maine, and Corwin and Chase of Ohio, were destined to play important parts in future epochs in American history. It was by such talent as this that the Texan boundary question was to be worked out, and something of its importance can be determined, perhaps, from the amount of consideration it received from them.

The question was opened by Benton, when, on January 16, he introduced a bill providing for a reduction of the Texan boundaries on the west to the one hundred and second meridian, and on the north to the main fork of the Red River, and specifying in addition that, when the population of the territory east of that boundary and west of a line formed by the ninety-eighth meridian and the Colorado River from its mouth to its intersection with that meridian, should reach 100,000, Texas should be divided along that boundary. All the territory west of the one hundred and second meridian was to be ceded by Texas to the United States, and all claims of Texas upon the United



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<sup>45</sup> *Ibid.*, 381.

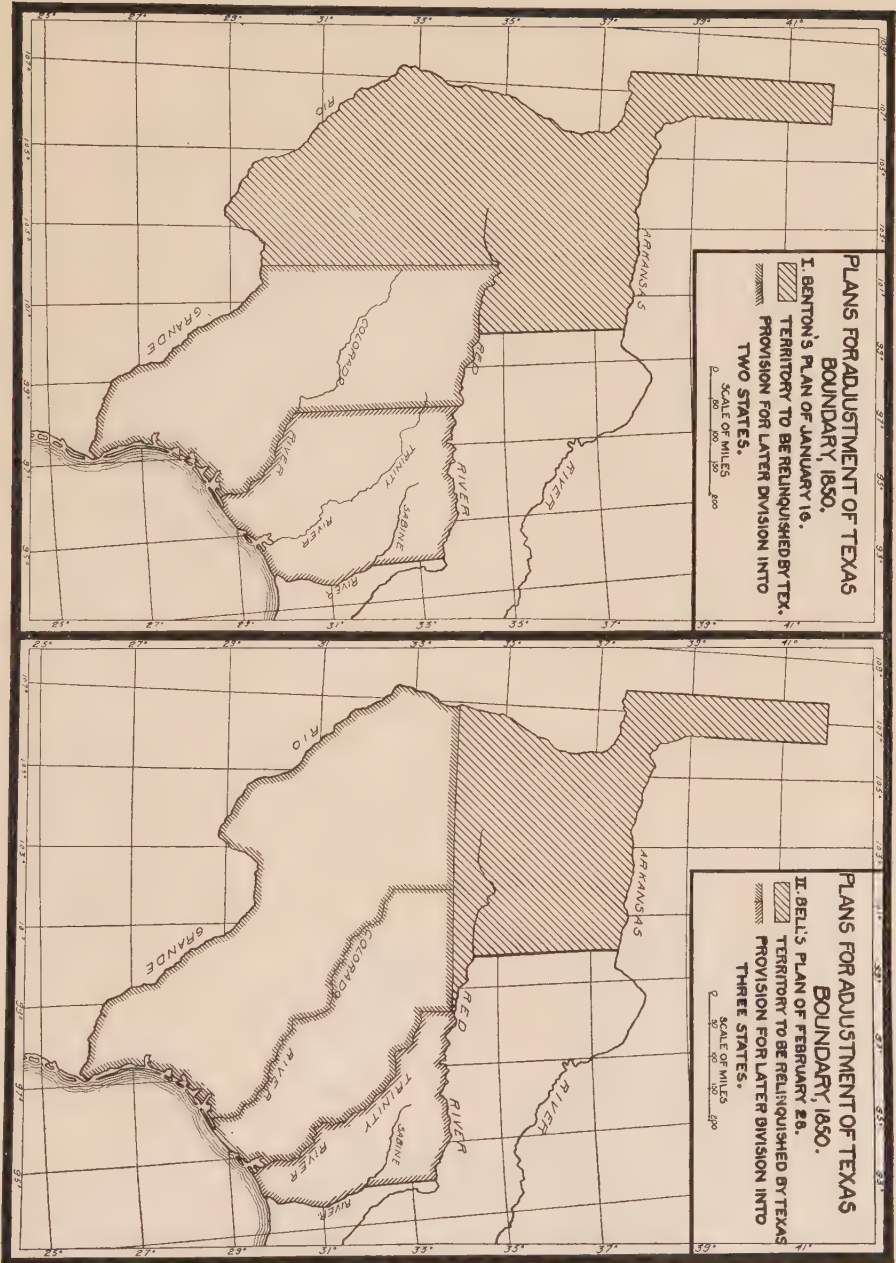
<sup>46</sup> *Ibid.*, 512-514.

**PLANS FOR ADJUSTMENT OF TEXAS  
BOUNDARY, 1850.**  
**I. BENTON'S PLAN OF JANUARY 16.**  
 TERRITORY TO BE RELINQUISHED BY TEX.  
 PROVISION FOR LATER DIVISION INTO  
TWO STATES.

SCALE OF MILES  
0 50 100 200

**PLANS FOR ADJUSTMENT OF TEXAS  
BOUNDARY, 1850.**  
**II. BELL'S PLAN OF FEBRUARY 28.**  
 TERRITORY TO BE RELINQUISHED BY TEXAS  
 PROVISION FOR LATER DIVISION INTO  
THREE STATES.

SCALE OF MILES  
0 50 100 200





States were to be relinquished; in return Texas was to receive fifteen million dollars in stock bearing five per cent interest and redeemable at the end of fourteen years.<sup>47</sup>

In his explanation of this measure, Benton stated that his purpose in introducing it was to forestall the difficulties which he felt would be sure to come from the Texan claims. The first of these difficulties was the danger of a struggle between New Mexico and Texas over the territory which the boundary he had suggested would exclude from Texas. The second was the fact that the territory claimed by Texas contained both slave and free soil, and this measure would relieve the anomaly of that situation by restricting Texas to territory entirely south of the Missouri Compromise line. In his estimation, Texas was too large for her own convenience, and should welcome an adjustment which would limit her to her natural boundaries and would at the same time furnish her with sufficient funds to pay her public debt and make such internal improvements as she desired.<sup>48</sup>

On the same day, Senator Henry S. Foote, of Mississippi, introduced a bill providing for the organization of all the territory which had been acquired by the treaty of Guadalupe Hidalgo, into the territorial governments of California, Deseret, and New Mexico, and providing also for the establishment, with the consent of Texas, of the State of Jacinto, to be composed of the region included within a boundary beginning at the mouth of the Brazos, and following the direction of that stream until it intersected with the northern boundary of Texas, and along the northern and eastern boundary to the Gulf of Mexico. In the case of New Mexico, the territorial specification was made to include only that part of the territory of the United States called New Mexico, which had been acquired by the treaty of Guadalupe Hidalgo, and not included within the boundaries of

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<sup>47</sup> *Ibid.*, 166.

<sup>48</sup> *Ibid.*, 165-166.



the state of Texas as laid down in her boundary act of 1836.<sup>49</sup> His bitter enmity against Benton led him to take advantage of permission to explain his bill, by arraigning the Missouri senator for the position he had taken with regard to Texas, accusing him especially of deliberately opening up the question of slavery by seeking to decrease the amount of slave territory through the medium of excluding certain territory from Texas, a slave state, in order that it might fall under the jurisdiction of the Wilmot Proviso, in case that measure became a law.<sup>50</sup> Buried away in Foote's bill was a provision that "The constitution and laws of the United States are hereby extended over and declared to be in full force" in the territories being organized,<sup>51</sup> thus assuming to determine the question of whether this region was under the constitution or subject to the local desires from the standpoint of slavery extension.

Thus, aside from the interests of the Texans themselves, the slavery question had now become the real issue involved in determining where the boundary between Texas and New Mexico was to be located. It soon became evident also that slavery was the predominant question in Congress, and the agitation was growing intense. On January 29, Henry Clay introduced a series of resolutions which he hoped would bring about "an amicable arrangement of all questions in controversy between the free and the slave states, growing out of the subject of slavery," and among the subjects included was the question of the western boundary of Texas. He refused to attach to the Texan claims the same degree of force which the Texans themselves advocated, and suggested that her western boundary ought to be fixed along the Rio Grande to the southern boundary of New Mexico, and from there eastwardly to the line established between the United States and Spain, specifically excluding any portion of New Mexico, whether on the east or the west side

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<sup>49</sup> *Ibid.*, 170-171.

<sup>50</sup> *Ibid.*, 166-168.

<sup>51</sup> *Ibid.*, 170.

of the river. He was willing to admit, however, that the claims of Texas were plausible; and partly because of their plausibility, but chiefly because of the fact that annexation had deprived Texas of one of her securities for her national debt, and thus had involved the creditors of the republic as innocent third parties, he was willing to provide for the payment by the United States of the debt contracted by Texas prior to annexation. In return, Texas was to relinquish any claim which it had to any part of New Mexico.<sup>52</sup>

This meant a relinquishment of political jurisdiction by Texas, as well as her title; and Senator Rusk immediately gave notice that when the bill came up for discussion he would prove that "the boundaries of Texas are the Rio Grande; that no power at all exists in Congress to take cognizance of that question." He maintained that this was an unceremonious effort to dismember Texas "to make a peace offering to a spirit of encroachment on the constitutional rights of one-half of this Union." Objection was also made by Foote, that, if Texan soil was to be bought by the United States, no specification should be made as to what was to be done with the money, on the ground that Clay's proposal implied the assumption of a state debt.<sup>53</sup>

After a month of sporadic debating on Clay's compromise measures had gone by, John Bell, of Tennessee, brought forward a new proposal. Referring to the possibility of the early admission of additional free states, he suggested that, in order to maintain the balance in the Senate between the slave and free power, Texas should be divided in compliance with the terms of the annexation resolution. His plan was to limit Texas to the territory east of the Trinity and south of Red River; to provide for the formation of a new state from the remainder of the territory claimed by Texas lying south of the thirty-fourth degree of north latitude; and to accept a cession of all the

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<sup>52</sup> *Ibid.*, 244-245.

<sup>53</sup> *Ibid.*, 247.

unappropriated lands of Texas west of the Colorado, and extending north to the forty-second parallel. A third state was then planned for, to be made up of all the territory between the Colorado and the Rio Grande, lying south of the thirty-fourth parallel. This included territory claimed by New Mexico but in return New Mexico was to be admitted as a fourth state, with its boundaries to include all the territory claimed by Texas north of the thirty-fourth parallel.<sup>54</sup>

*The Texan boundary in the compromise of 1850.*—The debate on these questions continued throughout March. Among the speeches were Calhoun's last appeal, Webster's famous Seventh of March oration, and Seward's "higher law" address; but discussion was not leading to a settlement. On April 19, therefore, in order to meet what seemed to be growing into a crisis, the Senate selected a committee of thirteen members, with Clay as chairman, to work out a scheme of compromise which would adjust all the questions with which slavery was connected.<sup>55</sup> On May 8, this committee submitted the series of measures which came to be known as the Compromise Bill of 1850; and among the proposals was a new provision for the settlement of the Texan boundary. The committee refused to express any opinion on the legitimacy of the Texan claims, and felt, also, that any movement looking toward the division of Texas into smaller states should originate with the people of the region concerned rather than with Congress.

It was proposed that Texas should be confirmed in possession of the territory she had claimed along the lower Rio Grande, with that river as the boundary to a point twenty miles above El Paso, and thence in a direct line to the Red River at the point where it is crossed by the one hundredth meridian. If Texas assented to this boundary she would receive an unquestionable title to the entire region south and east of the proposed line,

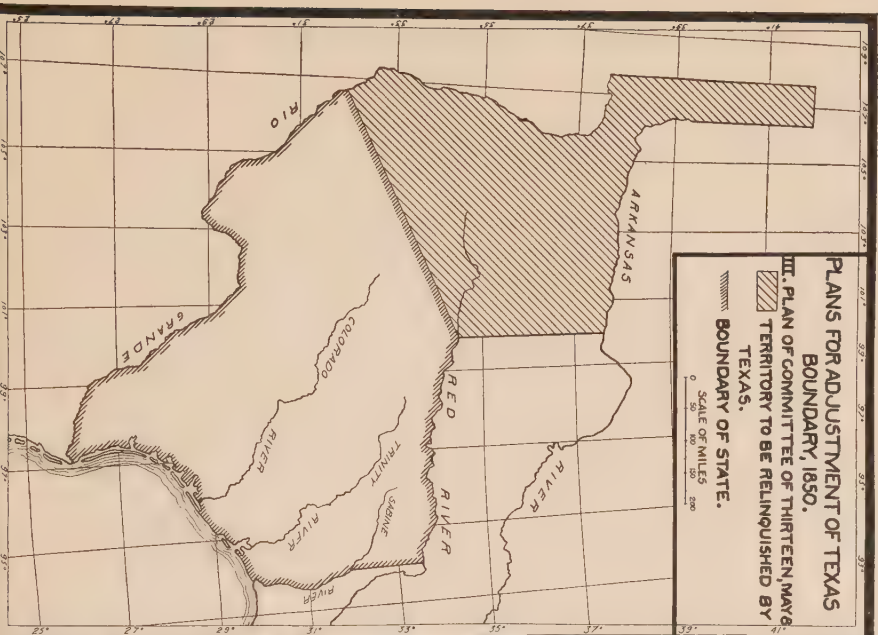
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<sup>54</sup> *Ibid.*, 436-438.

<sup>55</sup> *Ibid.*, 774, 780.

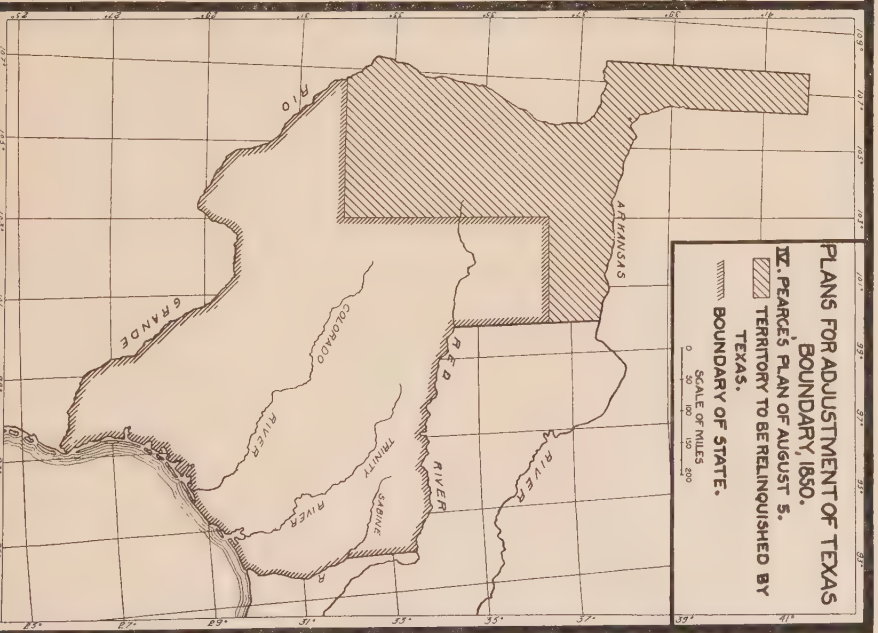
**PLANS FOR ADJUSTMENT OF TEXAS  
BOUNDARY, 1850.**  
**III. PLAN OF COMMITTEE OF THIRTEEN, MAY 1850.**  
 TERRITORY TO BE RELINQUISHED BY  
 TEXAS.  
 BOUNDARY OF STATE.

SCALE OF MILES  
 0 50 100 200



**PLANS FOR ADJUSTMENT OF TEXAS  
BOUNDARY, 1850.**  
**IX. PEARCE'S PLAN OF AUGUST 5, 1850.**  
 TERRITORY TO BE RELINQUISHED BY  
 TEXAS.  
 BOUNDARY OF STATE.

SCALE OF MILES  
 0 50 100 200







and it was thought by some members of the committee that this should be sufficient remuneration for a relinquishment of her claim to any territory excluded by it. But the majority sided with Clay in his suggestion that since a portion of the debt of the republic of Texas had been based upon the import duties, which were now going to the United States instead of to Texas, some provision should be made for paying Texas for such relinquishment a sum which was to be specified by Congress, and which was to be applied toward the extinction of that particular portion of the debt.<sup>56</sup> This proposal was incorporated in the measure to establish a territorial government in New Mexico, because it was a necessary preliminary step in rendering that work complete by the establishment of definite boundaries. And now New Mexico was specified as including all the territory in the region acquired from Mexico which was not included in California and Utah, for which governments were also being planned by this committee.

There was, of course, objection to this boundary proposal for Texas, and Benton made an effort to increase the area which was to be granted to New Mexico by renewing his suggestions of January 16, as an amendment.<sup>57</sup> But Clay expressed an opinion that the true eastern boundary of New Mexico was a line extending from El Paso to the source of Red River, and from there north to the forty-second parallel, so that only a small area would be cut off from New Mexico by the boundary suggested by the committee.<sup>58</sup> An amendment restoring the boundary stipulation to that claimed by Texas was then proposed, and this was followed by a repetition of the Texan arguments in support of the validity of her claims.

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<sup>56</sup> *Ibid.*, 944-948; *Sen. Reports*, 31 Cong., 1 sess. (Ser. 565), no. 123, pp. 6-7, 23.

<sup>57</sup> *Cong. Globe*, 31 Cong., 1 sess., 1380.

<sup>58</sup> *Ibid.*, appendix, 1262.

It was while the debate over these questions was in progress in Congress, that Neighbors was encountering difficulties in organizing the New Mexico region for the government of Texas. Governor Bell's protest reached Washington in July, and President Fillmore's message of August 6 found the discussion at fever heat. The danger of a conflict in the southwest, which this message implied, brought an awakening to the absolute necessity of a speedy settlement of the issues involved. Alexander H. Stephens declared in the House that "The first Federal gun that shall be fired against the people of Texas without the authority of the law will be a signal for the freemen from the Delaware to the Rio Grande to rally to the rescue."<sup>59</sup> Clay expressed a similar fear,<sup>60</sup> while Robert C. Winthrop, who had succeeded Webster as senator from Massachusetts, urged that the boundary be settled by purchase and not by a military struggle.<sup>61</sup>

The idea of remuneration now began to gain support in Congress. Senator James W. Bradbury, of Maine, proposed that a commission, in which the United States and Texas were each to have three members, be appointed to define the Texan boundaries, and to agree upon considerations and conditions for its establishment.<sup>62</sup> Senator William C. Dawson, of Georgia, suggested that no territorial government should be established for New Mexico until both the United States and Texas had agreed to the boundary, and this was adopted.<sup>63</sup> This implication that Texas had jurisdiction in New Mexico was unsatisfactory to some of the senators, and so for the purpose of excluding it, James A. Pearce, of Maryland, moved to strike out of the compromise measure all that related to Texas and New Mexico.<sup>64</sup> This motion was accepted, thus marking the first step in the break-up of the compromise.

<sup>59</sup> *Ibid.*, appendix, 1083.

<sup>60</sup> *Ibid.*, appendix, 1412.

<sup>61</sup> *Ibid.*, appendix, 1560.

<sup>62</sup> *Ibid.*, appendix, 1456-1457.

<sup>63</sup> *Ibid.*, appendix, 1458-1463.

<sup>64</sup> *Ibid.*, appendix, 1473, 1479, 1487.

Pearce then introduced a bill providing for the establishment of the northern and western boundary of the state of Texas, and for the relinquishment of the territory claimed by her outside of the limits which he defined. He provided that the boundary on the north should begin where the one hundredth meridian was intersected by the parallel of thirty-six degrees, thirty minutes, and extend west on that parallel to the one hundred and third meridian, along which it was to follow to the thirty-second parallel, and thence on that parallel to the Rio Grande, and down the Rio Grande to its mouth. In consideration of the reduction of her boundaries from those previously claimed, Texas was to receive ten million dollars.<sup>65</sup>

*Final action upon the question.*—This boundary was one degree farther west than that proposed by Benton, in order to conciliate the Texans; two degrees farther north than the one suggested by Bell, in order to appease the demands of the slavery interests; far enough east to please the advocates of the New Mexican rights; and the sum offered to Texas was almost the exact amount needed to cancel her debt. It therefore presented the nearest approach to justice for all interested parties that had thus far been suggested. It was supported by every member of the Texan delegation in Congress, as well as by the conservative representatives from both sections of the Union, while the radical elements from both sections used their efforts to bring about its defeat. On August 9, by a vote of 30 to 20, the Senate passed the bill.<sup>66</sup> In the House, an amendment providing for the organization of New Mexico as a territory was added, and the bill accepted on September 6, by a vote of 108 to 97.<sup>67</sup> This amendment was accepted by the Senate, and on September 9, it was signed by President Fillmore.

From the point of view of Congress the question was now settled, but it remained to get the consent of Texas itself to the

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<sup>65</sup> *Ibid.*, 1520, 1555.

<sup>66</sup> *Ibid.*, 1555.

<sup>67</sup> *Ibid.*, 1764.

adjustment which had been made. The indications were that this would be no easy task. Throughout August and the early part of September the newspapers in Texas were freely criticizing first the proposals of the Compromise measure, and later the Pearce plan, on the ground that any suggestion which did not permit Texas to retain all the territory which it had claimed as an independent republic was a violation of the terms upon which the state had agreed to annexation. It was also pointed out that, if the Pearce proposals were accepted, Texas would lose the control of the "only practicable pass, within the jurisdiction of the United States, for the great railroad to connect the waters of the Atlantic and Pacific."<sup>68</sup> Quotations from the papers throughout the state were printed by the *Austin State Gazette*, and the general tenor of these seemed to be a hope that Texas would refuse to submit to the treatment accorded to her by the United States government without a resort to forcible resistance.<sup>69</sup> At the same time, however, an inclination to favor the adjustments suggested in Congress was being developed. Late in August it was pointed out that if the Pearce plan were accepted by Congress without containing a condition degrading to Texas, it would "no doubt quiet the present excitement in our State. It is not such a proposition as we could have wished to see, but it is doubtful whether ten years' trading would give Texas a better bargain than she can now make."<sup>70</sup> This sentiment seems to have spread rapidly, for, on September 21, the editor of the *Gazette* was forced to admit that "a few of the papers who spoke out with so much boldness and determination in behalf of the rights of the State, have since, for no good reason that we can see, changed their position, and now advocate humble submission to the despotic and

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<sup>68</sup> *Austin State Gazette*, August 24, 1850.

<sup>69</sup> *Ibid.*, August 31, 1850.

<sup>70</sup> *La Grange Texas Monument*, August 28, 1850.

unconstitutional pretensions of the Executive government at Washington."<sup>71</sup>

Governor Bell received official notice of the congressional action on September 27, and he immediately called for a special session of the legislature to meet November 18. Proclamations were also issued to county officials, asking them to hold elections as early as possible in order that the will of the people of Texas might be learned. Opposition continued to manifest itself, and meetings were held in which the Texan congressmen were condemned for supporting the measure,<sup>72</sup> but the efforts of Representatives Howard and Kaufman, and of former Governor Wood to show that concessions had, in reality, been made to Texas,<sup>73</sup> had an important influence with the voters. By the time the legislature met, incomplete returns showed 4473 in favor of accepting the proposal, and 1988 against it.<sup>74</sup> The legislature agreed to accept the adjustment, and its action was approved by Governor Bell on November 25,<sup>75</sup> thus bringing the controversy to a close.

The extent of the Texan jurisdiction was now definitely determined, and the boundary which had been established is the present boundary of the state. By accepting this line as its western limits, Texas abandoned any claims which she might have held to the right of exercising jurisdiction over that part of New Mexico lying east of the Rio Grande, but in view of the agreement of the United States to remunerate her for giving up the territory thus excluded, it was felt that her title had vir-

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<sup>71</sup> *Austin State Gazette*, September 21, 1850.

<sup>72</sup> Holland to Miller, October 3, 1850, in *Miller Papers*, Texas State Library.

<sup>73</sup> Wood to Miller, September, 1850, *ibid.*; Kaufman's letter to his constituents, in *Austin State Gazette*, October 12, 1850.

<sup>74</sup> *Austin State Gazette*, November 16, 1850. Later returns showed approximately three-fourths of the voters to be in favor of acceptance; *ibid.*, December 14, 1850.

<sup>75</sup> *Ibid.*, November 30, 1850.



tually been acknowledged. From the Texan point of view, therefore, the claim had not been fruitless, for through it her public debt was removed. On the side of New Mexico there was also satisfaction, in that she had not been forced to submit to Texan jurisdiction, and had received a territorial government with spacious boundaries. From the standpoint of the national government, the Texan claims had been fraught with grave dangers, and it was felt that, with the question settled, the larger results which had accrued were a more than sufficient recompense for the cost involved.

## CHAPTER IX

### CONCLUSION

In the expansionist movement in Texas there was something more than merely the desire of a revolutionary state to extend its boundaries at the expense of its more passive neighbors. A glance at the broader aspects of the movement will disclose the truth of this statement. Texas in the earlier years of the nineteenth century had become the meeting place of the pioneers of two distinct types of European civilization and influence. From the north and east had come the Anglo-American, independence-loving, with democratic theories of government, and the Protestant faith. From the south and west, with a century of priority to his credit, the Spanish-American, representing monarchical government and Catholicism, had advanced. The treaty of 1819 between the United States and Spain established a boundary, yet a struggle was inevitable. The Spanish element was already handicapped by a fight for independence from the mother country; and this had been followed by internal dissension. But in the United States the strength of the westward migration was steadily increasing; and just at this time, following upon the designation of the western prairies as the Indian country, the stream of the advance had been diverted to the southwest. Anglo-American interests, therefore, were soon the predominating ones in northern Mexico. Efforts on the part of the Mexican government to strengthen its control there brought about a successful revolt of the English-speaking people in 1836, which resulted in the establishment of the independent republic of Texas.

Then developed the problem of fixing a new line of demarcation, and in it were involved the boundaries between Texas and

the adjoining Mexican provinces; and from this time on to 1850, when the Texans, as citizens of the United States, accepted the congressional terms of territorial adjustment, the problem was a continuous one. The developments of this period of fourteen years may be divided into three phases. The first covers the period of the existence of the independent republic of Texas, during which the expansionist desires were more or less definitely formulated, and in which the actual efforts to realize these desires were important forces. The second period is one of transition, covering the years from 1845 to 1848, or from the annexation of Texas by the United States to the treaty of Guadalupe Hidalgo. Here, as a result of annexation, the question changed from a conflict between Texas and Mexico to one between the United States and Mexico. The territorial settlement at the close of the Mexican War paved the way for the third phase, which may be characterized as a domestic quarrel under the United States government.

In the early expansionist plans of the republic of Texas, one of the first factors in determining their development was the necessity of a defensible frontier, and this led to the claim of the Rio Grande as the western boundary. This boundary was also known to be the line by which the United States wished to mark off its southwestern limits, and during the first two years of their independence one of the principal aims of the Texans was to make themselves acceptable to that government. Information to the effect that a port on the Pacific was desired by certain interests in the United States led to the formulation of plans in Texas to extend her jurisdiction across the continent. Then, as the probability of immediate annexation gradually waned, the feeling that, as an independent nation, Texas would need commercial facilities on both oceans led to a desire to anticipate the United States in gaining control of California.

Two general methods were followed in the efforts to accomplish these plans. On paper, the Texans designated a boundary along the Rio Grande, embracing territory which had been outside the Mexican state of Texas, and then attempted to negotiate with Mexico for the purchase of an additional area, extending to the Pacific. In practical reality, they sought to meet the problem of occupying the region actually claimed by establishing commercial relations with the Mexican population on both sides of the Rio Grande, and by encouraging colonization beyond the frontier of settlement. These efforts reached their climax in the Texan Santa Fé expedition of 1841. After the failure of that project the motive of the expansionists became a desire for revenge, and their work was to be accomplished by conquest.

But just as the developments of the first four years of Texan independence were leading toward the Santa Fé expedition and failure, so the events of the last four years were paving the way for annexation and providing the opportunity for alleviation of the sting of that failure. The opposition of Mexico to annexation, and the feeling in the United States that the Texan claims were sound, led to hostilities between these two powers; and in the conflict which followed, the fear of British interests on the Pacific Coast led to the occupation by the United States of New Mexico and California. The treaty of Guadalupe Hidalgo confirmed her in possession of this area, with the result that all the territory which had been claimed by Texas became a part of the United States.

The Texans then found it necessary to convince the national government that they had actually occupied the region they claimed, and therefore new activities were begun. This brought about a three-cornered contest between Texas, New Mexico, and the United States government, in which Texas aggressively asserted her rights. Before the contest could be settled, it became involved in the all-pervading issue of slavery extension,

and the question was transferred from the southwestern deserts to the halls of Congress, where it became a part of the famous Compromise of 1850, and received the consideration of some of the foremost characters of American history. In this guise it played its part in giving to the smouldering sparks of sectionalism enough strength to glow anew, until, a few years later, they burst into the flames of conflict.

By presenting a claim to jurisdiction over territory which she had not included before the establishment of her independence, Texas secured the necessary means with which to pay the debt which she had incurred in attempting to maintain a national existence. For her, therefore, the expansionist movement was a benefit. For Mexico, it resulted in the loss, not only of Texas itself, but also of all its northern domain, embracing one-third of the territory of the republic. For the United States, the outcome of the movement had a double significance. In the first place, the claims of Texas presented an opening through which she was enabled to remove the dangers of European interference on the Pacific Coast, by the acquisition of California. In the second place, the refusal of Texas to surrender her claims without compensation, together with the problem of organizing the newly acquired territory, accentuated the sectional strife which was to culminate in a civil war.



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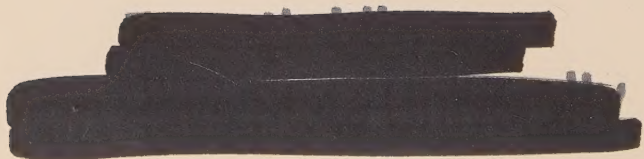
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